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PROMOTION AND PROTECTION OF HUMAN RIGHTS

HUMAN RIGHTS DEFENDERS

Report submitted by Ms. Hina Jilani, Special Representative of Secretary-General on human rights defenders, pursuant to the Commission on Human Rights resolution 2000/61

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Executive summary

This is the second report presented by the Special Representative of the Secretary-General on human rights defenders, Ms. Hina Jilani, to the Commission on Human Rights. It is submitted pursuant to Commission resolution 2000/61. The report describes the activities undertaken by the Special Representative in the past year and contains a discussion of pressing issues, a brief summary of communications to and from Governments, as well as the Special Representative's conclusions and recommendations. With regard to country situations, the Special Representative has sent 134 urgent appeals and 27 allegation letters during the year. A large number of communications were sent jointly with other thematic mechanisms, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, the Special Rapporteur on freedom of opinion and expression, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Rapporteur on the sale of children, child prostitution and child pornography. The Special Representative also joined with country mechanisms, in particular the Special Rapporteurs dealing with the situations in the Sudan, the Democratic Republic of the Congo, Iran and the former Yugoslavia.

During the year under review, the Special Representative has engaged cooperation with specialized bodies within the United Nations system and regional intergovernmental organizations. Concrete steps of collaboration were made with the Inter-American Commission on Human Rights of the Organization of American States. The Special Representative maintained regular contacts with international and national NGOs and participated in three regional NGO consultations of major importance, in Western Africa, Latin America and Asia.

Country visits are an essential aspect of the mandate. The Special Representative undertook her first visit, to Kyrgyzstan, from 30 July to 4 August 2001 and the second, to Colombia, from 23 to 31 October 2001. During the year under review, the Special Representative has sought to obtain invitations to visit the following countries: Bhutan, Egypt, Guatemala, India, Indonesia, Malaysia, Uzbekistan, Singapore, Tunisia and Venezuela. She received official invitations from the Governments of Guatemala, Mexico and Venezuela.

On the basis of the communications sent by the Special Representative, the report identifies trends that may encourage Governments to review practices and take remedial action when required. The Special Representative also directs the attention of Governments to two issues of concern, the situation of women human rights defenders and the impact of the 11 September attacks on human rights defenders.

The Special Representative concludes the report with the assertion that human rights defenders continue to be at risk and face serious violations of their rights throughout the world. In this regard, situations of armed conflict and the militarization of States place human rights defenders at even greater risk. The Special Representative expresses her apprehension about developments arising from the 11 September terrorist attack in the United States. She also

concludes that the police, military and other security forces, as well as State intelligence agencies, are the main perpetrators of abuse against human rights defenders. Impunity for the violation of human rights has become one of the most serious human rights problems and directly affects the security of human rights defenders.

The Special Representative's main recommendations focus on the following:

The necessity for Governments to pay particular attention to the trends identified in the report and to address issues relevant to the situation in their countries with regard to laws, policies and practices that impede the promotion, protection and implementation of human rights or place human rights defenders at risk;

The need for Governments to increase their tolerance of criticism and be more willing to correct lapses of governance pointed out as affecting the work of human rights defenders;

Governments must become conscious of the need to eliminate impunity for human rights violations;

The urgent need to enforce the conformity of non-State entities engaged in armed conflict to international standards of human rights and humanitarian law as a measure to secure civilians and human rights defenders from violations;

Legislation in the name of national security, public order or emergency must not be allowed to silence dissent, or suppress peaceful protest and reaction against the violation of human rights;

The dissemination of the Declaration on Human Rights Defenders is important for increasing awareness of the legitimacy of activity for the promotion, protection and implementation of human rights;

The need for better and fuller coordination between the political and human rights systems of the United Nations in collective undertakings for the prevention and removal of threats to peace and security. International action, or support for any action by the international community in this respect, must be guided by human rights norms.

Introduction

1. The present report is the second report presented by Ms. Hina Jilani (Pakistan), Special Representative of the Secretary-General on human rights defenders. The mandate was established by the Commission on Human Rights in its resolution 2000/61 of 27 April 2000. The present report is submitted pursuant to resolution 2001/64. Section I of the report contains the mandate and methods of work. Section II presents an account of the activities undertaken within the framework of her mandate in the past year. Section III provides a brief discussion on a number of issues which the Special Representative considers to be important. Section IV contains the conclusions and recommendations of the Special Representative. Summaries of urgent appeals and communications to and from Governments, along with observations of the Special Representative, are contained in the annex.

I. MANDATE AND METHODS OF WORK

2. The Special Representative refers to her previous report to the Commission on Human Rights (E/CN.4/2001/94) as regards the mandate and methods of work adopted by her.

II. ACTIVITIES

3. During the period under review, the Special Representative sent 161 communications to Governments, 134 urgent appeals and 27 allegation letters. Seeking to avoid unnecessary duplication of the activities of the other thematic rapporteurs and country specific rapporteurs, the Special Representative has joined during the past year with the following thematic special procedures: the Special Rapporteur on extrajudicial, summary or arbitrary executions (54 urgent appeals and 4 allegation letters), the Special Rapporteur on torture (31 urgent appeals and 14 allegations), the Special Rapporteur on freedom of opinion and expression (17 urgent appeals and 4 allegations), the Chairman-Rapporteur of the Working Group on Arbitrary Detention (14 urgent appeals), the Special Rapporteur on the independence of judges and lawyers (13 urgent appeals and 1 allegation), with the Special Rapporteur on violence against women (5 urgent appeals), the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (1 urgent appeal) and the Special Rapporteur on the sale of children, child prostitution and child pornography (1 urgent appeal). Moreover, the Special Representative also joined with the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo (4 urgent appeals) and the Sudan (2 urgent appeals). Finally, 2 urgent appeals were sent together with the Special Representative on the situation of human rights in Iran and 1 with the Special Rapporteur on the situation of human rights in the former Yugoslavia.

4. The Special Representative is concerned at the considerable number of communications and requests she received in 2001 that allege serious violations of the rights of human rights defenders throughout the world. The cases contained in these communications give evidence of the continuous need for the effective promotion and protection of the rights of human rights defenders. In view of the wealth and complexity of information pertaining to her mandate, as well as of the fact that violations occur in many countries of the world, an objective and even-handed approach requires the provision of sufficient financial and human resources to enable her to fulfil her mandate.

A. Country visits

5. The Special Representative considers the carrying out of country visits to be an essential element of the mandate. She undertook her first visit, to Kyrgyzstan, from 30 July to 4 August 2001 and her second visit, to Colombia, from 23 to 31 October 2001. For these two visits, the Special Representative has submitted separate reports to the Commission at its current session (E/CN.4/2002/106/Add.1 and E/CN.4/2002/106/Add.2).

6. During the year under review, the Special Representative has sought to obtain invitations to visit the following countries: Bhutan, Egypt, Guatemala, India, Indonesia, Malaysia, Uzbekistan, Singapore, Tunisia and Venezuela to examine in situ the situation of human rights defenders. She received official invitations from the Governments of Guatemala, Mexico and Venezuela. The Special Representative wishes to reiterate that her criteria for requesting an invitation for a country visit are not limited to those countries in which human rights defenders are experiencing problems in carrying out their human rights activities, or where trends, practices or legislation are apparently hampering the effective implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (hereafter the Declaration on Human Rights Defenders).

B. Cooperation with the United Nations system and other intergovernmental organizations

7. Close cooperation is engaged by the Special Representative with specialized bodies within the United Nations system, regional intergovernmental organizations and non-governmental organizations, particularly at the local level.

8. On 11 May 2001, the Special Representative addressed a letter to the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the World Health Organization (WHO), the World Food Programme (WFP), the United Nations Development Fund for Women, the International Committee of the Red Cross (ICRC), the Economic and Social Commission for Asia and the Pacific (ESCAP), the European Union, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), the Organization of American States (OAS), the Organization of African Unity (OAU) and the League of Arab States. In her communication, the Special Representative presented her new mandate and expressed her intention to collaborate with international agencies and regional mechanisms in order to benefit from their experience and to have their assistance in monitoring events relevant to her mandate. The Special Representative received replies from UNDP, ILO, UNICEF, OAS, the European Union and the Council of Europe (the Commissioner for Human Rights). In their replies, they essentially congratulated the Special Representative on her appointment and expressed their support for this new mandate. They provided information relevant to their area of specialization and expressed a similar will to work in close cooperation with the Special Representative.

9. The Special Representative wishes to thank these organizations for their replies and the interest shown for her mandate.

10. In regard to cooperation with regional organizations, more concrete steps have been taken in favour of a systematic collaboration with the Inter-American Commission on Human Rights (IACHR) of the OAS. On 13 and 14 November 2001, the Special Representative was invited to Washington by the Inter-American Commission on Human Rights in order to exchange views and ideas regarding the situation of human rights defenders in the Americas and to discuss future collaboration between the IACHR and the Special Representative.

11. The Special Representative first met with Mr. Cesar Gaviria, Secretary-General of the OAS before attending a general audience of the IACHR which dealt with the situation of human rights defenders in Colombia and Mexico. She had also an informal discussion with all commissioners of the IACHR and a formal audience before the OAS Commission on Juridical and Political Matters which was attended by all member States of the OAS. These meetings were very fruitful and allowed the Special Representative to present her mandate as well as her concerns with regard to the situation of human rights defenders in Latin America. On these occasions, the need to create a focal point on human rights defenders within the OAS in order to facilitate cooperation with the Special Representative was expressed. The Special Representative was delighted by the support she received publicly from several member States of the OAS within the framework of the meeting with the Commission on Juridical and Political Matters.

12. The Special Representative took the opportunity of her visit to Washington to meet with representatives of the World Bank, the Inter-American Development Bank and NGOs of the Latin American region.

13. All these meetings were facilitated by the Human Rights Defenders Office of the International Service for Human Rights, a non-governmental organization based in Geneva.

14. Shortly after her visit to Washington, the Special Representative was pleased to learn that on 7 December 2001, the Executive Secretary of the IACHR decided to create a specific unit on human rights defenders within the executive secretariat of the IACHR in order to coordinate activities on this issue. The Special Representative considers this initiative to be extremely important for the region of the Americas and for their mutual cooperation.

15. The Special Representative considers the collaboration between universal and regional mechanisms for the protection of human rights to be vital for ensuring a coordinated and effective strategy of protection of human rights defenders worldwide. In this respect, she wishes to extend her special thanks to Mr. Santiago Canton, Executive Secretary of the IACHR and the Human Rights Defenders Office of the International Service for Human Rights for their support to make this collaboration possible.

16. The Special Representative intends to meet with the African Commission on Human Rights of the OAU and hopes to be able to establish similar cooperation with it. She also intends to make similar contacts with the relevant agencies of the European human rights system.

C. Cooperation with NGOs

17. As mentioned in her first report to the Commission, the Special Representative would like to stress the importance of collaborating with NGOs. The Special Representative would like to reiterate that the role of non-governmental organizations in furthering the promotion and the protection of the rights of human rights defenders is crucial. Indeed, it is those organizations which spearhead these concerns and are forcefully advocating, monitoring and lobbying for human rights. In this regard, the information provided by NGOs on allegations of violations against human rights defenders around the world is essential for the good functioning of this mandate. In this context, the Special Representative has developed guidelines for the submission of allegations (see appendix).

18. In addition, the Special Representative considers that these NGOs have a crucial role to play in further disseminating the Declaration on Human Rights Defenders through translation into local languages, training and education campaigns. NGOs are also especially important in promoting and disseminating the work of the Special Representative. This was indeed one of the objectives of the NGO consultations that the Special Representative attended this year. Thanks to the help of a certain number of NGOs, the Special Representative had the opportunity to attend three NGO consultations in Western Africa, Latin America and Asia. It was the occasion for the Special Representative to be better informed of the regional issues relating to human rights defenders and to have a direct contact with the main local NGOs.

19. From 10 to 13 April 2001, the Special Representative attended a sub-regional consultation with West African human rights defenders in Dakar, Senegal. This event was part of the wider Amnesty International "Defending the Defenders Project", which aims at improving the protection of human rights defenders by developing strategies for the protection of human rights defenders. The main objective of this event was to bring together representatives of human rights defenders within the sub-region and individual human rights defenders to facilitate the exchange of experiences; to develop a sub-regional network of human rights defenders, to develop guidelines and mechanisms of protection of human rights defenders in Africa and to develop working relationships with the Special Representative. At the end of this consultation, a resolution was adopted by the participants (representing 13 countries in Western Africa), which in particular called on Governments in West Africa to cease all forms of persecution of human rights defenders, to investigate cases of violations of their rights and to ratify all international and regional human rights treaties and to make national laws conform to them, as well as to the Declaration on Human Rights Defenders.

20. The Latin American consultation took place in Mexico City from 13 to 15 June 2001 and was organized jointly by the Human Rights Defenders Office of the International Service for Human Rights, Amnesty International, the Ad Hoc Committee of Defenders from Colombia, and the Defenders Committee of La Red Nacional de Organismos Civiles de Derechos Humanos from Mexico. This consultation gathered together more than 44 defenders from 18 countries of Latin America and the Caribbean, independent experts and observers for discussions with the Special Representative on how to strive for the defence and promotion of human rights in the Americas and to propose and coordinate actions to protect human rights defenders. A presentation of the main issues regarding human rights defenders was made by representatives of Brazil, Paraguay, Argentina, Chile, Peru, Panama, Costa Rica, Guatemala, Honduras,

El Salvador, Jamaica, Cuba and Mexico. A final declaration was adopted at the end of the consultation which called on the Special Representative to institutionalize a process of periodic consultations with civil society in the region, to produce a special report on the impact of impunity, and another on the impact on the work of defenders of current restrictions on freedom of association and to coordinate with regional and international organizations, including the Inter-American Commission on Human Rights and ILO. The participants also called on Governments inter alia, to apply the Declaration on Human Rights Defenders, to support the work of the Special Representative and to comply with the resolutions of the Inter-American human rights protection system.

21. While in Mexico, the Special Representative had a one-day informal meeting with several government officials: Under-Secretary for Human Rights and Democracy, Mexico Secretariat for Foreign Affairs (Marie-Claire Acosta), the Director-General of the Human Rights Division of the Ministry for Foreign Affairs (Mr. Gomez Camacho), the President of the Commission of Human Rights of the Senate (Mr. Miguel Sadot Sánchez Carreño), the President of the Commission of Human Rights and Justice of the Chamber of Deputies (Dep. José Elias Romero Apis), the President of the Commission on Human Rights of Mexico City (Dr. Luis de la Barreda), the General Director for the Protection of Human Rights at the Office of the General Prosecutor (Dr. Mario Alvarez Ledesma) and representatives of the human rights division at the Ministry of the Interior. The Special Representative wishes to thank the Government of Mexico for its openness and cooperation in this regard.

22. From 30 November to 1 December 2001, a consultation entitled "Toward more effective protection of human rights defenders in Asia" was jointly organized in Bangkok (Thailand) by the Asian Forum for Human Rights and Development (Forum Asia), Human Rights Watch, Amnesty International, the Friedrich Neuman Stiftung and the Centre for Social and Development Studies of Chulalongkorn University in Bangkok. The purpose of the meeting was to facilitate an exchange of information between the Special Representative and human rights NGOs in the Asian region, to formulate recommendations for more effective protection of human rights defenders and to produce a handbook on the protection of human rights defenders for local, national and regional organizations. The consultation brought together about 60 participants from 18 countries of the Asian region. Particular country situations were discussed, such as the situation in Indonesia, Myanmar, Nepal, Malaysia and China. At the end of the consultation, a declaration was adopted by all participants, in which they particularly denounced the killing of human rights defenders around Asia and the misuse of national security laws, which has now worsened since the 11 September attacks in the United States of America. Participants suggested strategies to protect human rights defenders, such as the strengthening of the urgent action network in Asia, the legitimization and institutionalization of the role of human rights defenders and supporting defenders in difficult situations.

23. The Special Representative took the opportunity of her presence in Bangkok to meet with Thai officials to discuss the situation of human rights defenders in Thailand. She had informal meetings with the Permanent Secretary of the Minister of Justice, the Director-General of the Department of Probation of the Ministry of Justice, the Deputy Permanent Secretary of the Ministry of Interior Affairs and the Human Rights Commission of Thailand. The Special Representative thanks the Government of Thailand for its cooperation.

24. The Special Representative considers these three regional consultations to have been extremely useful and she wishes to extend particular thanks to Amnesty International, the Human Rights Defenders Office of the International Service for Human Rights and Forum Asia for having organized these important events. From this experience, the Special Representative was reinforced in her conviction that there is a need for developing visible regional networks to ensure better communication with the Special Representative. She therefore hopes to attend further regional consultations in the course of 2002, in particular in order to meet with human rights defenders from other parts of Africa, the Middle East and Europe.

25. Regarding the Middle East region, the Special Representative would like to mention that a regional consultation was organized from 19 to 22 September 2001 in Beirut, Lebanon by the International Federation for Human Rights (FIDH) for the Middle East region. The subject was "the defence of human rights in the Euro-Mediterranean region and the issue of funding human rights NGOs". Owing to the tragic 11 September attacks, the Special Representative was not able to travel to attend this important consultation. Her statement was delivered at the meeting by one of the organizers. The conclusions of this seminar were transmitted to her and she noted with interest that several concrete proposals were made with a view to reinforcing the links between NGOs and donors. In particular, donors were asked to manifest their solidarity and to engage themselves with the human rights defenders that they have financed and who are repressed for using foreign funds for their human rights activities.

D. Participation in seminars and various events

26. The Special Representative was impressed by the number of invitations she received to attend seminars and conferences held around the world on the issue of human rights defenders. This confirms the growing importance and recognition of the work of human rights defenders.

27. Owing to her heavy schedule, the Special Representative was unfortunately not in a position to accept all the invitations transmitted to her. She excused her absence from the following events: a conference on the crisis in Zimbabwe organized by Transparency International Zimbabwe (Zimbabwe, 4 August 2001), the Supplementary Human Dimension Meetings on the issue of human rights defenders organized by the OSCE (Austria, 22-23 October 2001), the International Congress on Human Rights/Women's Rights organized by Terre des Femmes (Germany, 12-13 October 2001), the conference on "Conflict accompaniment for the protection of human rights" organized by Peace Brigades International (Germany, 26-27 October 2001), the expert seminar on the definition of torture organized by the Association for the Prevention of Torture (Switzerland, 10-11 November 2001), the General Assembly of the International Helsinki Federation for Human Rights (Croatia, 15-18 November 2001), a round table on women's leadership in Afghanistan organized by UNIFEM (Belgium, 10-11 December 2001) and a celebration of Human Rights Day organized by the Canadian Parliamentary Human Rights Group (Ottawa, 10 December 2001).

28. The Special Representative was also invited to attend an international conference on human rights and democratization in Europe, Central Asia and the Caucasus. This event took place from 8 to 10 October 2001 in Dubrovnik (Croatia) and was organized by the Office of

the High Commissioner for Human Rights. Owing to an unexpected commitment, the Special Representative had to cancel her participation but her statement was delivered by a member of the secretariat.

29. During the period under review, the Special Representative was able to attend other meetings and events in her capacity of Special Representative on human rights defenders.

30. On 13 December 2000, the Special Representative addressed the European Union (EU) Human Rights Forum, which was organized in Paris jointly by the French Presidency of the European Union and the European Commission. One of the themes chosen for the forum was human rights defenders and how to support their action. In this regard, several proposals were made for the EU to defend the cause of human rights defenders, in particular that the EU members, within their bilateral relations, use instruments at their disposal, like *démarches* and declarations, to respond actively to situations of violation of the rights of human rights defenders brought to their attention.

31. While in Paris, the Special Representative attended several other meetings. On 11 December, she made a statement at a meeting of the European Council's Human Rights Working Group (COHOM) in the context of the European Union and met with French government officials, in particular the Adviser to the President of the Republic (Mr. Jean-Marc de la Sablière), as well as senior officials of the Ministry for Foreign Affairs and the French Ambassador for Human Rights (Ambassador Patrick Hénault). She also held consultations with NGOs based in Paris, in particular FIDH, Amnesty International, la Ligue des Droits de l'Homme, Reporters sans frontières, Action by Christians for the Abolition of Torture (ACAT) and International Federation of Action by Christians for the Abolition of Torture (FIACAT).

32. On 13 August 2001, the Special Representative made a presentation at the preparatory meeting for the Social Forum of the Sub-Commission on the Promotion and Protection of Human Rights in Geneva. This preparatory meeting was being convened to plan the first formal session of the Social Forum, to be held in August 2002.

E. Other activities

33. On 12 November 2001, the Special Representative was in New York to present her first report to the United Nations General Assembly (A/56/341). She gave a statement to the Third Committee of the General Assembly, which was followed by a dialogue with the delegations. While the representative of Belgium (on behalf of the European Union) expressed interest in the NGO regional consultations, the representative of Singapore requested more information on the methods of work. The representatives of Egypt and Cuba both raised the issue of the responsibilities of human rights defenders. Concerning this last question, the Special Representative clarified the responsibilities of both Governments and human rights defenders, referring to articles 2 and 3 of the Declaration on Human Rights Defenders. She also referred to the exchange of correspondence with Cuba she annexed in her first report to the Commission.

34. During its Fifty-sixth session, the General Assembly, adopted, without a vote, resolution 56/163 on the Declaration on Human Rights Defenders, presented by Norway. The Special Representative welcomes this resolution and the fact that it was sponsored by an unprecedented number of 83 countries from all regions.

35. The Special Representative took the opportunity of being in New York to hold bilateral consultations with government representatives, United Nations agencies (UNICEF, UNIFEM) and NGOs (Human Rights Watch and Lawyers Committee).

36. Additionally, the Special Representative attended the eighth meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and advisory services programme, held in Geneva from 18 to 22 June 2001. During this meeting, the Special Representative briefed the participants on her mandate and on the importance of cooperation and coordination between special procedures (see E/CN.4/2002/14, paras. 48-49).

37. Furthermore, the Special Representative visited Geneva from 17 to 20 April 2001 for consultations and to present her first report to the Commission on Human Rights at its fifty-seventh session. During this period, the Special Representative held a press conference and organized a briefing for NGOs, which were both very well attended. She also met with various delegations to discuss issues pertaining to her mandate.

38. Finally, the Special Representative made herself available to brief students and interested persons on her mandate. In this connection, she gave lectures at the Iberoamerican University in Mexico City, at the Columbia Law School in New York and at Harvard University in Boston. While the Special Representative was on official mission to Kyrgyzstan, she accepted an invitation to brief the Academy of Police in Bishkek.

III. ISSUES

39. This section contains an analysis of communications sent by the Special Representative (in order to highlight trends), issues pertaining to the situation of women human rights defenders and concerns relating to the impact of the 11 September attacks on human rights defenders.

A. Trends

40. Unlike last year's, the present report of the Special Representative covers a one-year-long review period. The Special Representative received a large number of communications from a variety of sources, including international, regional, national and local NGOs, professional associations, trade unions, political parties including members of the opposition, lawyers, teachers, journalists, intellectuals, members of the judiciary, indigenous rights organizations, as well as from individuals. As a result, the Special Representative believes that in this report she is in a position to highlight a number of overall trends that she has been able to discern from the communications to Governments upon which action was taken.

41. The trends identified by the Special Representative are based on the communications upon which she took action in the context of the implementation of her mandate. She also relied on cases of human rights defenders raised in various thematic mandates' reports submitted to the Commission on Human Rights at its fifty-seventh session in 2001.

42. Her findings reveal certain patterns and characteristics: the different types of violations to which human rights defenders are subjected or might be at risk of, their own identity, as well as that of the alleged perpetrators, and the latter's motivation, if any, and finally, the context in which human rights defenders work and become victims of human rights abuses.

43. Identifying trends, in turn, enables the Special Representative to recommend specific remedial actions to Governments so as to ensure that the rights of human rights defenders are respected and that governmental policies and practices comply with international human rights standards, and in particular with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration).

44. As far as her mandate is concerned, the Special Representative sent 161 communications to Governments during the period under review. In this regard, she would like to emphasize that one communication can contain more than one case.

45. In addition, it is important to caution that the trends identified by the Special Representative do not necessarily reflect the situation of human rights defenders worldwide in its entirety. This inevitable partiality should not, however, be taken as a legitimate or valid reason to discount the significance of the trends identified by the Special Representative.

46. The Special Representative would like to point out that the reports of violations of the rights of human rights defenders that came to her attention concern countries in all regions of the world and are certainly not confined exclusively to those where the political and institutional arrangements are implicitly or explicitly undemocratic.

47. In fact, the allegations received pertain to cases of violations of the rights of human rights defenders in all countries, including emerging democracies and countries with long-established democratic institutions, practices and traditions. The majority of allegations concern those countries where: (a) the legal and institutional protections and guarantees of human rights are, to a greater or lesser degree, circumscribed; (b) internal armed conflict or severe civil unrest exists; or (c) legal and institutional protections and guarantees exist but are not properly implemented.

48. On the basis of the above remarks, the Special Representative recommends that Governments pay particular attention to the trends identified henceforth in the report in relation to the situation of human rights defenders worldwide. In addition, she urges Governments to take all appropriate action, consistent with the standards set out in the Declaration and the International Bill of Human Rights and associated instruments, to eliminate not only the violations themselves but also their causes and negative consequences.

1. Individuals, groups and organizations working for the promotion and protection of human rights

49. Out of 161 communications sent, the majority of cases (118) relate to violations committed against human rights defenders in their capacity as members of NGOs. This trend is also supported by the figures relating to cases of human rights defenders raised by various thematic mechanisms in their reports to the Commission on Human Rights last year. Again, on the basis of those reports, it emerges that the highest number of cases concern human rights defenders who were members of NGOs (31).

50. Human rights defenders have also been targeted in their professional capacity, for example, as human rights lawyers (32), trade unionists (22), indigenous rights activists (20) and journalists (11). Corresponding figures for some of the same categories in various thematic reports submitted to the Commission on Human Rights last year support the Special Representative's findings. For example, the cases of 14 lawyers and 10 trade unionists who were targeted for their work in the defence of human rights were raised last year in the reports of other thematic mandates.

51. Others, such as peasants, environmental activists, members of religious, ethnic and sexual minorities, students, teachers and intellectuals - all working for the promotion and protection of human rights - have been subjected to human rights abuses. Equally, members of parliament, procurators, ombudspersons and members of the opposition, as well as human rights activists in general, have all been targeted for upholding human rights.

52. In addition to individuals who are in the line of fire as human rights defenders, the authorities have also been targeting NGOs working on human rights issues. Organizations have been warned about so-called "violations of official regulations" and have been threatened with fines, suspension, de-registration and closure. Legislation already enforced or currently under consideration in various countries allows the suspension of NGO activities simply for contravening the authorities' interests. Some legislative measures also provide for the imprisonment of members of such organizations simply for operating beyond the expiration or revocation of a licence.

2. Human rights abuses against human rights defenders

Harassment and intimidation campaigns against human rights defenders

53. The majority of cases featured in the communications sent by the Special Representative to Governments (88 out of a total of 161) concerned human rights defenders who have been subjected to sustained campaigns of harassment and intimidation in order to make them desist from their activities for the promotion and protection of human rights. This trend is also consistent with the cases of defenders raised by various thematic mechanisms in their reports to the Commission on Human Rights at its fifty-seventh session, last year, with 24 instances of harassment and intimidation.

54. Human rights activists have been kept under constant surveillance, including by being constantly followed by plain clothes police officers and by having their telephone lines cut or tapped into; they have had documents confiscated, including travel documents such as passports, identity cards and driving licences to prevent their attendance at international human rights forums; lawyers have been threatened with being disbarred for alleged misconduct violating the rules of the legal profession, or have been under investigation for alleged financial irregularities. Under the pretext of security reasons, defenders have been banned from leaving their towns and countries, and have even been unfairly dismissed from their long-held employment as a result of their activities for the promotion and defence of human rights.

55. Human rights defenders have also endured vilification campaigns, with slanderous allegations appearing in the State-controlled press attacking their integrity and morals. Spurious complaints have been fabricated to discredit independent NGOs and journalists exposing human rights abuses. Police and secret service officials and members of the security forces have repeatedly summoned human rights defenders to their offices to intimidate them and have ordered the suspension of all human rights activities.

56. Human rights defenders have had their offices and homes searched, broken into, burgled and raided. The premises from which human rights defenders operate have been sealed and defenders have had their bank accounts seized, thus preventing them from continuing their work. Their possessions, including documents, photographs, diskettes, computers and files, have been confiscated and the authorities have refused to return them.

57. Human rights defenders have suffered administrative harassment - having been forced to pay heavy fines for alleged violations of legislation governing the funding of NGOs - and have been victims of extortion attempts, including demands for significant amounts of money in return for the release of colleagues, friends and relatives from detention.

58. The enactment and enforcement of laws curtailing the legitimate exercise and enjoyment of the right to freedom of opinion and expression, religious belief, freedom of association and movement, such as laws on registration and regulation of the activities of NGOs, or legislation banning or hindering the receipt of foreign funds for human rights activities, have all been used to harass, intimidate and threaten human rights defenders.

Arrests, detention, prosecution and imprisonment of human rights defenders

59. From the Communications sent to Governments, the arbitrary arrest and detention of human rights defenders emerge with particularly striking regularity among the human rights abuses which they face daily. Numerically, in terms of the type of violations to which human rights defenders are subjected, their arrest, detention (81) - with or without charges - prosecution, conviction and imprisonment on totally spurious charges come second after intimidation and harassment campaigns. The number of cases of arrest and detention of defenders featured in various other thematic mandate reports in 2001 was also high (19).

60. Participation in a meeting of indigenous rights activists can result in charges of public disturbance. Peaceful picketing against disappearances, or simply exercising one's profession as a lawyer can give rise to criminal charges. Outspoken criticism of the authorities can bring

bribery charges and a long sentence of imprisonment. Legitimately demanding that the authorities return confiscated equipment has been enough to justify the detention of human rights defenders. Charges of hooliganism, carrying a long sentence of imprisonment in the case of conviction, have been brought against defenders who sought to lodge an official complaint against the ill-treatment they received at the hands of the police. Arrests without a warrant are commonplace for those who advocate greater freedom of opinion and expression. Unfurling a banner commemorating victims of human rights violations has resulted in activists being forcibly transferred to psychiatric institutions. "Re-education through labour" has been the fate of those denouncing deaths as a result of torture. Seeking justice for victims of human rights abuses has led to imprisonment for defenders. Human rights activists have been prosecuted under vaguely defined "national security" provisions, placed under house arrest, detained indefinitely in administrative detention or sentenced to hard labour.

61. Human rights defenders have been arrested, detained, charged, tried and sentenced, sometimes to long terms of imprisonment or even to hard labour, because of their engagement in a variety of activities for the promotion and defence of human rights, including: campaigning for an end to torture and for humane prison conditions; demanding official investigations in cases of abduction and disappearance; participating in international human rights conferences and forums; calling for the release of political prisoners; investigating official corruption and collusion in human rights abuses committed by paramilitary groups; documenting atrocities and providing assistance to victims of human rights violations and their families; working on behalf of refugees, asylum-seekers and internally displaced populations; campaigning for workers' rights and for the promotion of basic labour standards; peacefully advocating independence; protesting against emergency legislation; demanding greater respect for the environment; denouncing judicial corruption; upholding the right to conscientious objection; publishing translations of the Universal Declaration of Human Rights; campaigning for more effective law enforcement in cases of violence against women; advocating the rights of religious, ethnic and sexual minorities; upholding land rights and the rights of indigenous peoples; and denouncing official embezzlement of funds.

62. Human rights defenders have been convicted on an equally wide-ranging set of charges: attempted murder of police officers; arson; conspiracy to commit unnatural acts; affiliation and contact with foreign organizations; sedition; defamation; libel; illegal exercise of their profession; contempt of court; propagation of false information susceptible of threatening the public order; contacts with unauthorized or illegal organizations; breaching laws on public demonstration; apostasy; insults to religion, the authorities, the military and the security of the State; aiding and abetting terrorism; "diffusion of propaganda of a nature capable of damaging the vital interests of the State and the nation"; advocacy of hatred and subversion of the democratically elected institutions of the State; collaborating with the enemy; accepting foreign funds without government authorization; incitement to violence and leaking State secrets.

63. In many instances, despite the seriousness of the charges brought against them and the likelihood of long terms of imprisonment if found guilty, human rights defenders were denied access to legal counsel throughout their pre-trial detention and sometimes even at their trial.

Violations of the rights of human rights defenders to life and mental and physical integrity

64. In sheer numerical terms, the combined totals of the figures of human rights defenders killed (34), those on whose life attempts have been made (8), those who have disappeared (10), and those tortured or otherwise ill-treated (7) come to a staggering third place in terms of the most likely form of abuse meted out against human rights defenders, immediately after intimidation and harassment campaigns, and arrest and detention, as detailed above. Similarly, the combined total (38) of cases of defenders killed, victims of assassination attempts, who have disappeared, been tortured or ill-treated found in various 2001 thematic mechanisms' reports adds to the concern at the emergence of this tragic trend.

65. The Special Representative is deeply disturbed at these figures. Without a doubt, the very high likelihood indicated by her findings that human rights defenders may become victims of physical threats, or indeed harm, sometimes with lethal consequences, is the most worrying among the trends identified by the Special Representative.

66. The most disconcerting regional trend arises from Latin America, which emerges as the region with the majority of human rights defenders killed during the period under review - accounting for nearly 90 per cent of all defenders murdered worldwide, 30 out of a total of 34.

67. Police officers have opened fire and shot dead women's rights activists participating in an anti-rape march. Members of the security forces have stopped human rights defenders at gunpoint, lined them up against a wall and killed them. Other defenders have been forcibly abducted by plain clothes police officers and made to disappear simply because of their affiliation with human rights NGOs. Assassination attempts, including by having their homes set on fire at night, have left human rights defenders seriously wounded, requiring hospitalization and surgery. Military personnel, police and security force officials have resorted to savage beatings in an attempt to torture defenders into making false confessions or simply in reprisal for the latter's attempts to denounce routine torture in official custody. Valiant attempts to investigate army officers who opened fire on a crowd of unarmed civilians killing a number of people, have resulted in death threats and torture while in detention.

68. Calling on the authorities to conduct an independent and impartial investigation into an incident of multiple disappearances has brought about physical assaults consisting of punches and kicks, with subsequent denial of medical care.

69. Human rights defenders who have sought an end to impunity for human rights abuses by working to bring to justice perpetrators of past atrocities have been physically assaulted, including by being beaten by police while attending a demonstration. Serious injuries, such as broken arms, have been sustained by human rights activists as a result of beatings in police custody and in prison, simply for demonstrating against human rights violations. Defenders have been held in incommunicado detention, denying them any contact with the outside world for prolonged periods.

70. Members of religious minorities advocating the right to practise their religious beliefs have been arbitrarily arrested, detained and confined in dark isolation cells for long spells. Conditions of detention amounting to cruel, inhuman or degrading treatment have been inflicted

on pro-democracy activists in an attempt to humiliate them and punish them for their activities. There have been instances of defenders being denied food, water and family visits while in detention.

71. Human rights activists have also been threatened with abuse, including with death, and similar threats have been directed at their family members. Anonymous phone calls threatening arrest, rape and death, and verbal abuse and insults have all been used in intimidation campaigns against defenders, who have had to flee their homes and countries or have gone into hiding fearing the authorities' reprisals. Human rights activists have been forcibly removed from their home and confined to psychiatric hospitals.

3. Perpetrators

72. The communications sent to Governments by the Special Representative paint a very worrying situation with respect to the identity of the perpetrators of human rights violations committed against human rights defenders.

73. Out of 161 communications sent, 53 cases concerned police officers directly responsible for abusing the rights of human rights defenders.

74. The police conduct arbitrary arrests of human rights defenders without arrest warrants, burst into their offices and homes, confiscate their equipment and documents, raid their homes, verbally insult, threaten, intimidate, harass and physically assault defenders with beating, punches and kicks, and detain peaceful protesters. Anti-riot police officers disperse non-violent demonstrators using excessive force.

75. Police forces worldwide are also refusing to act on, or even register, complaints of attacks against human rights defenders, let alone effectively investigate them, and have failed to provide those defenders at risk with adequate protective measures. Police officers have sought to extort money from human rights defenders in exchange for the release of their colleagues or relatives.

76. Under false pretences the police have mounted armed guard outside the office of an NGO with a view to intimidating visitors and clients, thereby making the work of human rights defenders impossible.

77. The trends also point to a recurrent phenomenon, namely the acquiescence, connivance and collusion of members of various countries' police forces in the perpetration of grave human rights abuses against defenders, including the killing of human rights lawyers.

78. In this connection, human rights abuses perpetrated against defenders by paramilitary groups associated with the authorities and operating with their approval have emerged as a trend of particular concern to the Special Representative. Members of paramilitary armed groups have killed human rights defenders with the authorities' collusion or acquiescence.

79. In this context, impunity for human rights abuses against defenders is a serious problem, particularly with respect to abuses perpetrated by non-State actors. The authorities have either directly sponsored the actions of these non-State actors, including armed groups, paramilitaries, security groups and militias armed by the State, or acquiesced in them, and therefore they have no interest in conducting serious impartial and independent investigations with the purpose of bringing those responsible to justice.

B. Women human rights defenders

80. Since the submission of her first report, the Special Representative has been receiving information from many sources regarding the situation of women human rights defenders worldwide. With respect to the cases upon which the Special Representative took action, out of 161 communications sent by her to Governments, 70 concerned women human rights defenders or women's organizations. Fifteen cases of women human rights defenders were also raised in reports of other thematic mechanisms to the Commission on Human Rights at its fifty-seventh session and the Special Representative has paid due regard to these cases as a source of information regarding the situation of women human rights defenders worldwide. The following paragraphs highlight some of the trends that the Special Representative was able to discern from this information.

81. The world over, against all odds, women human rights defenders are working tirelessly for the protection and promotion of the human rights of all. In this respect, it is important to emphasize the sheer wealth, diversity and breadth of the human rights work they undertake. However, given the wide-ranging nature and scope of the activities these women are involved in, it is an impossible task to list them all. The following remarks provide examples and should in no way be considered as exhaustive, but merely as illustrative.

82. During the period under review, as professionals and as mothers, sisters, daughters, wives, partners and colleagues, women human rights defenders have been at the forefront of demands for an end to "disappearances". They have campaigned indefatigably for humane prison conditions and have been documenting and exposing human rights abuses. Women defenders have asserted the rights of, among others, ethnic and religious minorities, and protested against widespread impunity for violence against women; they have supported countless victims of human rights abuses and their relatives in demanding justice; they have led projects dedicated to helping other women, victims of sexual abuse, obtain legal redress. As victims themselves of human rights abuses, they have testified in proceedings against the alleged perpetrators. As trade union activists they have championed workers' rights; as lawyers they have been active in seeking redress for victims of human rights abuses and in combating impunity; and they have also organized and campaigned for the rights of human rights defenders. It is a testament to their courage and achievements that this list could go on and on.

83. However, it is also important to highlight the fact that, worldwide, women human rights defenders are paying a heavy toll for their work in protecting and promoting the human rights of others. Unfortunately, an equally impossibly long list could be drawn up of the human rights abuses women defenders face or to which they have actually been subjected simply for upholding human rights. For women human rights defenders, standing up for human rights and the victims of human rights abuses - be they migrants, refugees, asylum-seekers or political

activists, or simply people unwillingly relegated to the margins of society, such as ex-offenders and members of sexual minorities - can result in intimidation, harassment, unfair dismissal, death threats, torture and ill-treatment, and even death.

84. At best, the harassment that women human rights defenders have had to endure has seen them proving their innocence in time-consuming, energy-draining and costly proceedings brought against them by corrupt prosecuting authorities and a subservient judiciary in order to put an abrupt end to their human rights work. At worst, however, women human rights defenders have suffered violations of some of the most fundamental rights, including the right to life, to mental and physical integrity, to liberty and security of person, to freedom of expression and association, and to privacy and family life.

85. In the reporting period, women human rights defenders have been deliberately killed. Some have been abducted and made to disappear, others have been raped or otherwise sexually abused. They have suffered arbitrary arrest and detention without charges or have been falsely accused and prosecuted on various spurious charges, including espionage, subversion, anti-national activities, being a threat to national security and passing secrets to foreign organizations, all of which can result in long terms of imprisonment. Some women defenders have been forced to flee their homes and countries in fear for their life. Others have survived attempts on their life. Some have been verbally and physically assaulted, or have been threatened with violence and death simply for, for example, protesting against abysmal prison conditions. Some have been subjected to compulsory treatment for a falsely diagnosed mental illness. Their family members have also come under threat and have suffered harassment, intimidation, beatings, verbal abuse, arbitrary arrest and detention.

86. The offices and homes of women human rights defenders have been searched, broken into or raided, and their belongings confiscated or destroyed or rendered otherwise useless. Their standing in their communities has been called into question with slanderous allegations in an attempt to discredit and humiliate them.

87. At times the authorities have resorted to insidious ways to make women human rights defenders desist from their work in the defence of human rights. Accusations of financial irregularities or even fraud have been brought against them or the police have kept them under constant surveillance in an attempt to intimidate them.

88. Often, despite repeated requests, women human rights defenders have been denied protection or have been offered hopelessly inadequate protective measures, leaving them to fend for themselves. Such denials or inadequacies on the part of the authorities further increase the risk that women defenders will themselves become victims of human rights violations, especially at the hands of non-State actors, for whom these failures act as a green light for abuse.

89. On the basis of the information received, the Special Representative has been able to observe that, while women defenders work as indefatigably as their male counterparts in upholding human rights and the rights of victims of human rights violations, there exist some characteristics that are specific to them as women involved in the defence of human rights. The following remarks seek to highlight some features that are peculiar to the situation of women human rights defenders worldwide.

90. Women human rights defenders are on a par with their male colleagues in putting themselves on the front line in the promotion and protection of human rights. In doing so, however, as women, they face risks that are specific to their gender and additional to those faced by men.

91. In the first instance, as women, they become more visible. That is, women defenders may arouse more hostility than their male colleagues because as women human rights defenders they may defy cultural, religious or social norms about femininity and the role of women in a particular country or society. In this context, not only may they face human rights violations for their work as human rights defenders, but even more so because of their gender and the fact that their work may run counter to societal stereotypes about women's submissive nature, or challenge notions of the society about the status of women. Secondly, it is not unlikely that the hostility, harassment and repression women defenders face may themselves take a gender-specific form, ranging from, for example, verbal abuse directed exclusively at women because of their gender to sexual harassment and rape.

92. In this connection, women's professional integrity and standing in society can be threatened and discredited in ways that are specific to them, such as the all too familiar pretextual calling into question of their probity when - for example - women assert their right to sexual and reproductive health, or to equality with men, including to a life free from discrimination and violence. In this context, for example, women human rights defenders have been tried using laws criminalizing conduct amounting to the legitimate enjoyment and exercise of rights protected under international law on spurious charges brought against them simply because of their views and advocacy work in defence of women's rights.

93. Thirdly, human rights abuses perpetrated against women human rights defenders can, in turn, have repercussions that are, in and of themselves, gender-specific. For example, the sexual abuse of a woman human rights defender in custody and her rape can result in pregnancy and sexually transmitted diseases, including HIV/AIDS.

94. Certain women-specific rights are almost exclusively promoted and protected by women human rights defenders. Promoting and protecting women's rights can be an additional risk factor, as the assertion of some such rights is seen as a threat to patriarchy and as disruptive of cultural, religious and societal mores. Defending women's right to life and liberty in some countries has resulted in the life and liberty of women defenders themselves being violated. Similarly, protesting against discriminatory practices has led to the prosecution of a prominent women's rights defender on charges of apostasy.

C. The impact on human rights defenders of the 11 September attacks

95. As a premise to her remarks henceforth, the Special Representative wishes to emphasize that, in the light of the terrorist attacks in the United States on 11 September 2001, she is deeply aware of and recognizes the need and duty of the international community and Governments worldwide to take steps to restore and maintain public confidence in domestic and international security. Having said that, the Special Representative would also like to stress what she sees as an equally paramount need, namely, the observance by States of the principles of human rights and the standards established by the legal and normative instruments in the field of human rights.

Those responsible for acts of terrorism must be apprehended and brought to justice only in accordance with international fair trial standards so that the imperatives of peace and security are served in a manner such that they complement the obligation to do justice and to respect human rights and fundamental freedoms.

96. While the present report is, in the main, based on communications received prior to the tragic events of 11 September 2001, since then the Special Representative has begun receiving information that has led her to conclude that there is a real danger that, in the wake of the terrorist attacks of 11 September 2001, some Governments may be using the global war on terrorism as a pretext to infringe human rights and to clamp down on human rights defenders. Non-governmental organizations in various regions of the world, in particular, have expressed their concern to the Special Representative about the heightened risk to human rights defenders in the increasingly threatening climate - as they see it - since 11 September 2001.

97. There is a danger worldwide that, under the guise of combating terrorism, some Governments may increase their efforts to stifle peaceful dissent and suppress opposition. In the current climate, those who question the legitimacy of some of the post-11 September so-called anti-terrorist measures, or simply anyone who does not socially conform - be they migrants, refugees, asylum-seekers, members of religious or other minorities, or simply people living at the margins of society - may be branded as terrorists and may end up being caught in a web of repression and violence.

98. In the light of these developments, the Special Representative has become aware that the context and climate in which she discharges her mandate for the protection and promotion of the rights of human rights defenders have changed considerably in the aftermath of the tragic events of 11 September 2001 in the United States.

99. Measures stifling peaceful dissent and silencing legitimate opposition were unfortunately a not uncommon reality with which human rights defenders had to contend long before the attacks on 11 September 2001. It would appear, however, that the widespread sense of insecurity and fear that the attacks have generated internationally and domestically have given rise to a climate in which legislatures, judiciaries and the general public at large are increasingly less vigilant in their scrutiny of the actions or acts of omission of their respective executives.

100. Some Governments are effectively giving themselves *carte blanche* as to the extent and scope of their purported response to the 11 September 2001 attacks. In the United States, for example, as already lamented by the Special Rapporteur on the independence of judges and lawyers on 16 November 2001, the executive can now direct the trial of non-citizens before military commissions established in such as way as to seriously undermine human rights and the rule of law. In the United Kingdom, foreign nationals can now be indefinitely detained without trial. New anti-terrorism legislative measures have also been recently enacted or are currently being contemplated in a number of other countries, including Australia, Canada, India, Nepal, Pakistan, Russia, South Africa and Thailand. Concern has been raised that many of the provisions of these measures would directly violate human rights or create a climate in which the possibility of human rights violations is heightened.

101. Despite the ongoing failure of the international community to agree on a common definition of terrorism, some Governments are conveniently paying deference to each other by uncritically accepting the denomination of even non-violent dissent as subversion and terrorism. In this context, in her statement to the Third Committee of the General Assembly on 6 November 2001, the High Commissioner warned that, in the wake of the 11 September attacks, peaceful activities were being equated with terrorism; the lawful enjoyment and exercise of the right to privacy and family life, the right to a fair trial, the right to asylum, the right to political participation, freedom of expression and peaceful association were being eroded, curtailed or altogether abrogated. Under human rights law, however, some core rights are so fundamental that they cannot be derogated from even in times of public emergency. Article 4 of the International Covenant on Civil and Political Rights lists the rights that can never be derogated from under any circumstances, they include the right to life, the prohibition of torture or cruel, inhuman or degrading treatment or punishment and freedom of thought, conscience and religion, as well as the principle of non-retroactivity of criminal law except where a later law imposes a lighter penalty.

102. The global political environment after 11 September has become especially dangerous for those who are standing up for one of the most fundamental rights of all: the right of all peoples to self-determination. Peoples' inalienable right to self-determination is a fundamental cornerstone of human rights law, as well as being among the foundations of one of the United Nations principal purposes, namely, "to develop friendly relations among nations" (article 1.2 of the Charter of the United Nations). Self-determination, not only features in Article 1 of the Charter of the United Nations, but also in the first article of both International Covenants. According to General Comment 12 adopted in 1984 by the Human Rights Committee, the realization of all peoples' inalienable right to self-determination "is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights". In the post-11 September 2001 climate, where human rights defenders peacefully campaigning for and advocating the realization of all peoples' right to self-determination are under renewed and sustained attack worldwide, it seems particularly poignant to recall also another general comment of the Human Rights Committee, General Comment 11 on article 20 of the International Covenant on Civil and Political Rights prohibiting war propaganda and incitement to national, racial and religious hatred. In that general comment, adopted in 1983, the Human Rights Committee stated that "[t]he provisions of article 20, paragraph 1, do not prohibit advocacy of ... the right of peoples to self-determination and independence in accordance with the Charter of the United Nations".

103. In the current climate, upholding human rights and fundamental freedoms is being portrayed in a number of countries as a threat to national and international security. Against this stark reality, human rights defenders are finding themselves under siege. Peaceful pro-independence activists are being portrayed as disseminators of propaganda likely to harm the State, as a threat to national security, as attempting to overthrow the Government and as aiding and abetting terrorism. While spuriously equating legitimate and peaceful advocacy of the right to self-determination with terrorism - however defined - is not a new phenomenon, it is certainly assuming a greater resonance and human rights defenders working for the realization of peoples' quests for self-determination are experiencing some of their darkest hours.

104. It is easy for Governments to foment suspicion, create public anxiety and direct sheer hostility towards human rights defenders. Human rights defenders reach out to groups that are already socially vulnerable and marginalized, such as ethnic minorities, ex-offenders, sexual minorities, asylum-seekers, refugees and migrant workers. In the post-11 September climate, Governments and other actors have an easier time in portraying anyone who disagrees with them or expresses any form of criticism as a dissident and subversive or even as aiding and abetting "foreign terrorists".

105. When human rights defenders seek to assert the legitimacy of peaceful dissent and the lawful exercise of the right to freedom of association and assembly, they become the object of government crack-downs and are branded as subversives, anti-national and enemies of the State.

106. Human rights defenders are in many cases the first port of call for victims of human rights violations. In the aftermath of the 11 September attacks, human rights defenders face greater challenges in their work of promoting and protecting the human rights of all. Therefore, as some Governments enact ever more draconian and excessive measures in their purported efforts to combat terrorism, human rights defenders have remained vigilant and are monitoring the state of human rights worldwide.

107. However, as pointed out by some 17 independent experts of the Commission on Human Rights in their statement on 10 December 2001 to mark Human Rights Day, human rights defenders, together with other groups, have been particularly targeted and have become victims of human rights violations as a result of the adoption or contemplation of anti-terrorist and national security legislation and other measures that may infringe human rights and fundamental freedoms. In this context, the need is greater than ever for States to limit their response to the 11 September 2001 attacks to what is strictly required by the exigencies of the situation and to seek to strike a balance between ensuring domestic and international security and upholding human rights.

IV. CONCLUSIONS AND RECOMMENDATIONS

108. Human rights defenders continue to face serious violations of their rights throughout the world. Communications received by the Special Representative lead her to conclude that the rights of human rights defenders are violated in States with widely different political systems and institutional frameworks. Certain conditions, however, increase the insecurity of the work of human rights defenders and increase the prospect of their rights being violated.

109. Political tensions and situations of armed conflict place human rights defenders at greater risk, especially with regard to their physical security. In such situations, the credibility of human rights defenders and the legitimacy of their work for the promotion and protection of human rights may be attacked with the intention of justifying the action or reaction of parties to the conflict, be they States or non-State entities.

110. The level of democracy practised by Governments significantly affects respect for human rights norms and the value attached by the State to the work of human rights defenders. The independence of State intuitions and their capacity to offer protection against human rights violations and support for the defence of human rights are severely hampered where the commitment of a Government to the practice of democracy is absent or is weak.

111. Situations observed by the Special Representative and information received by her seem to indicate a direct connection between the severity of human rights violations and the militarization of States through military governance or resort to military means and methods as a response to security concerns. Freedom of movement and assembly and access to information are particularly affected in such situations. Not only is there little or no scope for human rights activity, but human rights defenders are subjected to harsh forms of repression. The Special Representative had underlined this as a concern in her report to the General Assembly at its fifty-sixth session (A/56/341).

112. The Special Representative is extremely apprehensive about developments arising from the terrorist attacks in the United States on 11 September 2001, which have made human rights norms and standards vulnerable to erosion. She would like to recall the fifth preambular paragraph of the Declaration to remind States that there are no circumstances or conditions that justify or permit lowering the threshold of human rights standards: "*Recognizing* the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance."

113. Where Governments have displayed a tendency to view human rights defenders as adversaries, tensions have risen between the State and civil society. Such relations diminish the prospects for consolidated efforts to create an environment that is conducive to the promotion and protection of human rights and safe for human rights defenders to carry out their activities.

114. Repressive action by the State against human rights activity affects the transparency and openness with which human rights defenders can work. Such circumstances increase the risks for defenders and can undermine the credibility of their work.

115. Defenders seeking to protect the political, civil, economic, social or cultural rights of marginalized groups and persons face stronger resistance to their work, are more vulnerable and, therefore, more threatened. They include leaders of indigenous and other minority communities, leaders of movements of the poor, and defenders of the rights of women, sexual minorities, displaced persons, migrants and refugees. Environmental and anti-globalization activists seeking redress against violations of social and economic rights continue to be denigrated and exposed to violence.

116. Methods employed for the suppression of protest or forms of reprisal against those striving to exercise or protect human rights directly violate civil and political rights, as well as economic, social and cultural rights.

117. National laws in many countries do not provide a suitable legal framework for the protection of activity for the defence of human rights. Laws which are directed at or allow criminalization of human rights activity continue to be enforced and are being used, in some of the countries, to prosecute human rights defenders. Laws restricting the freedom of association, or placing undue restrictions on NGOs for receiving or utilizing financial resources to conduct human rights activities, have been used to intimidate and harass human rights defenders. Such laws serve no useful purpose nor are they relevant to any legitimate concerns of the State.

118. The police, military and other security forces, and State intelligence agencies by far outnumber others as perpetrators of abuse against human rights defenders. Paramilitary groups operating either independently of Governments or with their collusion have figured as perpetrators of abuse against human rights defenders in a considerable number of cases brought to the attention of the Special Representative. Non-State entities responsible for violations of the rights of defenders include armed guerrilla and other opposition groups. Women human rights defenders, in particular, are targeted by various social and private actors, such as religious groups and institutions, community or tribal elders, or even members of their own family, especially when these defenders are engaged in the defence of women's rights.

119. Impunity for violation of human rights has become one of the most serious human rights problems and directly affects the security of human rights defenders. It has been noted that the mere existence of legislation or administrative procedures is not an adequate response to this problem. Stronger political will to combat impunity must complement legislative and procedural measures. The Special Representative refers to her report to the General Assembly at its fifty-sixth session (A/56/341), which includes a detailed section on this subject.

120. In the light of these conclusions, the Special Representative makes the following recommendations.

121. It is recommended that Governments pay particular attention to the trends identified in the present report and address issues relevant to the situation in their countries with regard to laws, policies and practices that impede the promotion, protection and implementation of human rights or place human rights defenders at risk. The Special Representative proposes to undertake studies on the scope of the freedom of association in the context of the promotion and protection of human rights; on repressive legislation that restricts human rights activity or places defenders at risk for engagement in such activity; and on reprisals against human rights defenders, especially for exercising their rights under article 6 and article 9.4 of the Declaration.

122. Governments need to increase their tolerance of criticism and be more willing to correct lapses of governance pointed out as affecting the work of human rights defenders. In this regard better cooperation with human rights groups becomes critical for strong initiatives to remove the impediments in the way of the promotion and protection of human rights. Governments must actively encourage and make space for consultations between civil society groups and key agencies of the State, particularly those responsible for law enforcement and security. Governments should undertake initiatives directed at impressing upon State functionaries the legitimacy and importance of human rights activity. These may include dissemination of information on human rights standards and the work of international, regional and national human rights mechanisms.

123. Where national institutions for the protection of human rights have been established, their political and financial independence must be ensured. The capacity of these institutions must be enhanced so that they are able to respond adequately and effectively to complaints of human rights violations. The role of human rights defenders as a conduit of information to these institutions and in aiding action for redress of violations should be institutionalized. This could improve access to national human rights institutions and add to the legitimacy of human rights defenders. Protection of human rights defenders must be explicitly included in the mandate of these institutions.

124. Governments must become conscious of the need to eliminate impunity for human rights violations. Better systems of accountability for human rights abuses are clearly an essential need. The exposure of human rights violations and the possibility of seeking redress for them are greatly dependent on the security and freedom with which human rights monitors and activists can work. Addressing the issue of impunity with respect to defenders is, therefore, a critical element in the protection and promotion of human rights. Any allegations of attacks, threats, harassment or intimidation of human rights defenders must be investigated and punished. Such investigations might be made the responsibility of specially empowered high-level officers and must be carried out with complete transparency in order to inspire confidence.

125. States have the responsibility to adopt all necessary measures to create conditions in the social, economic, political and other fields to ensure the enjoyment of human rights and freedoms in practice. Groups and individuals, whether armed or otherwise, have the obligation to respect the rights recognized in the Declaration. This respect can be ensured by necessary legal and administrative measures taken by States, within whose jurisdiction these groups operate. The mandate of the Special Representative requires her to establish cooperation and conduct dialogue with Governments and other interested actors on the effective implementation of the Declaration. The Special Representative sees an urgent need to enforce conformity by non-State entities engaged in armed conflict with international standards of human rights and humanitarian law as a measure to safeguard civilians and human rights defenders from violations. Development of legal and normative frameworks for accountability of non-State entities is an important strategy for confronting violations by these actors. In circumstances that so require and permit, and after consultation with governments, the Special Representative may establish communications with such groups to engage them in a dialogue on the promotion of human rights and protection of human rights defenders in accordance with the Declaration.

126. The role of the judiciary in the protection of human rights and fundamental freedoms demands from them closer scrutiny of laws that undermine these rights and freedoms. Legislation in the name of national security and public order, or adopted in times of emergency must not be allowed to silence dissent, or suppress peaceful protest and reaction against violations of human rights.

127. Judiciaries must, in particular, be more vigilant with regard to the conduct of State functionaries and the bona fide nature of prosecutions filed against human rights defenders. Judiciaries must also demonstrate increased sensitivity to the value of human rights activity. Interaction between judiciaries in different countries on their role in the protection and

promotion of human rights and the acquisition by them of greater familiarity with concerns relevant to the situation of human rights defenders could elicit more support from these institutions for and increase their understanding of activity in defence of human rights.

128. The commitment of Governments to improving the environment for the promotion of human rights and the protection of human rights defenders in accordance with the Declaration can be demonstrated by inviting the Special Representative to visit their country in order for her to assess the situation of human rights defenders. This would help the Special Representative to report on practices, where they exist, that are beneficial to the work of human rights defenders.

129. The protection of human rights defenders is greatly dependent on the structures of support that defenders create collectively at the national, regional and international levels. The implementation of the mandate of the Special Representative would be greatly assisted by the creation or strengthening of defenders' coalitions, national and regional networks for communication of information, monitoring groups and support groups that could provide safe haven, inside or outside their country, to defenders in situations of serious and immediate threat.

130. The Special Representative would look to such networks to supplement information she receives from Governments, as additional sources to verify violations, and to facilitating contact with human rights defenders at risk during country visits. The Special Representative urges trade unions, workers' organizations, Bar associations and other professional associations to fully participate in such protection networks. The creation or strengthening of these networks is an important strategy for protection of human rights defenders that must be supported and encouraged at all levels.

131. Regional consultations with human rights defenders have proved to be an effective strategy for the development and visibility of this mandate. These consultations have enabled the Special Representative to acquaint herself better with trends and conditions that affect the situation of human rights defenders. She intends to continue these contacts on a regular basis.

132. The Special Representative would like to give priority to the organization of two thematic consultations, one on women human rights defenders and the other on defenders of the rights of indigenous peoples. The objective of these meetings would be to give greater visibility to the work of these defenders, to emphasize the value of their contribution to the promotion and implementation of human rights and to encourage their participation in defenders' networks at national and regional levels.

133. The urgent action mechanism is a critical element of the methodology of work of the Special Representative. In order to make urgent action meaningful as a mechanism, Governments must provide an expeditious response to communications sent by the Special Representative.

134. The Special Representative intends to seek more frequent meetings with Governments in order to communicate to them her concerns regarding the situation of human rights defenders. In this regard, regular consultations with regional groups at the Commission on Human Rights would be extremely useful. The Special Representative looks forward to the cooperation of Permanent Missions in Geneva and coordinators of the regional groups.

135. With a view to better protecting the rights of human rights defenders, the Special Representative is particularly eager to develop strong working relationships with mechanisms established at the national and regional level. In this regard, she has had meetings with national human rights institutions in countries that she has visited, either on official missions or when she has attended regional consultations of defenders in her capacity as the Special Representative. She is happy to report good and constructive cooperation with the Inter-American Commission for Human Rights of the OAS. She will continue to seek the cooperation of other regional mechanisms as a means of strengthening the prospects for the protection of defenders in all regions.

136. The dissemination of the Declaration on human rights defenders is important for increasing awareness of the legitimacy of activity for the promotion, protection and implementation of human rights. The Special Representative urges more frequent reference to the Declaration by the various mechanisms of the United Nations and regional human rights systems, and the national human rights institutions. For this purpose, translation of the Declaration into national languages should be facilitated.

137. Situations of conflict existing in many parts of the world have their roots in the violation of human rights and fundamental freedoms. At the same time, conflicts not only have serious implications for the promotion, protection and enjoyment of human rights but also place human rights defenders at greater risk. The Charter of the United Nations underlines the need to achieve international peace and security through actions that conform to the principles of justice and international law. This clearly indicates the need for better and fuller coordination between the political and human rights systems of the United Nations in collective undertakings for the prevention and removal of threats to peace and security. International action, or support for any action by the international community in this respect, must be guided by human rights norms. The Special Representative strongly recommends that concrete steps be taken to strengthen this interaction between the two systems of the United Nations and that there should be increased involvement of human rights mechanisms in peace initiatives and in the response to emergencies.

138. The Special Representative will make every effort to fulfil her responsibility for the effective implementation of the mandate, regardless of the financial situation of the mandate. However, she reiterates her view that sufficient human and material resources are indispensable for devising effective means of protection and for accelerating the impact of the mandate on the situation of human rights defenders.

Annex

COUNTRY SITUATIONS

1. For technical reasons, the chapter on country situations is reproduced as an annex to this report. The annex contains brief summaries of communications to and from Governments, along with the observations of the Special Representative. In order to leave enough time for Governments to respond, only the communications sent before 1 December 2001 are included. All government replies received by the Special Representative until 10 January 2002 are included in this section.

ALGERIA

Communication envoyée

2. Le 16 mars 2001, la Représentante spéciale a adressé au Gouvernement un appel urgent concernant M[e] Sofiane Chouiter et M. Mohamed Smain, tous deux membres de la Ligue algérienne de défense des droits de l'homme (LADDH). M[e] Chouiter, également avocat, serait constamment suivi par deux policiers en civil depuis le 24 février 2001 dans tous ses déplacements quotidiens, y compris dans le cadre de ses activités professionnelles au palais de justice à Constantine. Ses lignes de téléphone au travail et à la maison auraient été coupées. Selon les informations reçues, il aurait, quelque temps auparavant, participé à Casablanca au séminaire de la Fédération internationale des droits de l'homme (FIDH) sur la justice internationale dans les pays méditerranéens. Des craintes ont été exprimées quant à cette forme de harcèlement qui serait liée au travail de M[e] Chouiter en tant qu'avocat en faveur des familles de disparus à Constantine, de même qu'en tant que défenseur des droits de l'homme. M. Mohamed Smain aurait été interpellé le 20 février 2001 à l'aéroport d'Oran par les services de sécurité et les responsables de la douane alors qu'il se rendait en France. Le passeport et les documents de M. Smain auraient été confisqués et il aurait été maintenu en garde en vue pendant une heure et demie dans les locaux de la douane. Après son retour de France le 23 février, où il aurait participé à des réunions avec la FIDH et le Collectif des familles de disparus en Algérie, M. Smain aurait été arrêté et détenu pendant 48 heures. Selon les informations reçues, M. Smain aurait été inculpé de diffamation le 25 février suite à l'information qu'il aurait fournie à la presse le 3 février concernant la découverte et l'exhumation de charniers par les services de gendarmerie et la milice de Fergane. Bien qu'il ait été provisoirement libéré, le Procureur aurait fait appel de cette décision. M. Smain serait maintenant sous contrôle judiciaire avec interdiction de quitter la province de Relizane et son passeport ainsi que sa carte d'identité nationale et son permis de conduire auraient été confisqués.

Observations

3. La Représentante spéciale regrette qu'au moment de la finalisation du présent rapport, le Gouvernement n'ait transmis aucune réponse à sa communication.

ARGENTINA

Communications sent

4. On 5 December 2000, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning the continuous death threats and harassment to which Ms. Matilde Bruera, a teacher at the National University of Rosario, and lawyer of families of the disappeared, of the Asamblea Permanente por los Derechos Humanos and the Foro Memoria y Sociedad in Santa Fé Province, had reportedly been subjected. It was reported that, on 20 July 2000, Ms. Bruera received a parcel in her office, inside of which was a hollowed out book containing explosives, a battery and cables. The parcel did not contain a detonator, but carried the message "rest in peace". Later, a threatening message was reportedly left on the voicemail of her cellular phone.

5. On 21 March 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal regarding members of the Comisión de Familiares de Víctimas de Gatillo Fácil, established by a group of parents whose children have been killed in police shootings. According to the information received, they have been intimidated and threatened by police agents since the group published a report documenting over 800 cases of fatal police shootings. Mr. Alberto Barreto, whose 12-year-old daughter was killed in a police shooting in January 2000, has reportedly been threatened and harassed by the police and has been followed on numerous occasions by a police patrol car. In addition, since Ms. Silvia Ruiz's 16-year-old son was shot dead by police in November 2000, the police have reportedly forced their way into her home on four occasions, although they did not have a warrant. Twice the police have threatened to kill her and her other teenage son.
On 5 January 2001, the police reportedly prevented Mr. Oscar Rios from posting flyers denouncing the killing of his son. On 13 January 2001, an anonymous caller reportedly phoned to Ms. Delia Garcilazo's home to say that her grandson would be shot the next time.
On 2 January 2001, a policeman reportedly threatened Ms. Lidia Zarate and her family. Since the killing of her 17-year-old son, the police have detained her other younger son three times. Shortly after he was threatened, unknown men driving a car shot him three times in the leg.

6. On 24 August 2001, the Special Representative transmitted an allegation letter to the Government of Argentina regarding the following cases.

7. According to the information received, Ms. Vanessa Piedrabuena, President of the Asociación Travestis Unidas de Cordoba (ATUC), received threats from the police on 16 February 2001 after she took part in a demonstration calling for the investigation into the death in custody of her fellow activist, Ms. Vanessa Lorena Ledesma, to be reopened. She complained to the Police Internal Affairs Division, but no action to investigate the case has been taken yet.

8. Ms. Hebe de Bonafini, President of the Mothers of the Plaza de Mayo, reportedly received messages in May 2001 from unidentified persons threatening her. On 25 May 2001, her daughter, Ms. María Alejandra Bonafini, 35 years old, was reportedly violently attacked at her

home in La Plata, Buenos Aires province, where she lives with her mother. These incidents are apparently retaliatory measures against the activities carried out by Ms. Hebe de Bonafini, whose two children and daughter-in-law were reportedly kidnapped and disappeared in 1977.

9. According to the information received, Mary y Pedro Ortiz, Lidia Zarate, Delia Garcilazo, Oscar Rios and Silva Ruiz, members of the Comisión de Familiares de Victimas de Gatillo, have been intimidated and threatened. The threats reportedly intensified after the Comisión submitted a report to the Ministerio de Gobernación on 18 December 2000 containing details of 800 cases of fatal police shootings. Members of the Comisión were reportedly threatened after they organized a 25-day demonstration in December 2000 against the local authorities in Buenos Aires province. Those responsible for the incidents were allegedly members of the armed police.

10. Carlos Varela, Diego Lavado and Alejandro Acosta, lawyers in the province of Mendoza, are reportedly continuously the victims of harassment and threats in connection with their work on one case of enforced disappearance and two cases of murder. According to the information received, on their way to the office, on 2 March 2001, they discovered that during the night their nameplate had been stolen and that electric cables had been removed. These facts were reported to the ministry of justice of the province who ordered measures to guarantee their safety. The Special Representative has been informed that the measures were not sufficient to protect the lawyers.

11. On 22 October 2001, the Special Representative sent an urgent appeal regarding threats against Ms. Olga Luquéz. According to the information received, on 17 September 2001, after she had appeared on television to commemorate the anniversary of her son's death (murdered on 1 October 1999 by the police of Tropero Sosa), a policeman reportedly aimed a gun at her while in a bus. Ms. Olga Luquéz's friends who appeared on television were reportedly threatened and questioned by the police. In addition, on 11 October 2001, a police car reportedly kept Ms. Olga Luquéz under surveillance while she was accompanying her daughter to school.

Comunicaciones recibidas

12. Por carta fechada 2 de noviembre de 2001, el Gobierno de la Argentina informó respecto al caso de la Sra. Olga Luquéz, enviado por la Representante Especial el 22 de octubre de 2001. El Gobierno estableció que las autoridades competentes en la Cancillería han enviado sendas notas al Ministerio de Justicia y Derechos Humanos y al Subsecretario de Justicia de la provincia de Mendoza solicitando información sobre los hechos denunciados.

13. Por carta fechada 5 de diciembre de 2001, el Gobierno de la Argentina informó a la Representante Especial respecto a los casos de Alejandra Bonafini, Varela, Lavado y Acosta enviados el 24 de agosto de 2001. Respecto al caso de Alejandra Bonafini, el Gobierno señaló que la Subsecretaría de Derechos Humanos del Ministerio de Justicia y Derechos Humanos dirigió una nota con fecha 28 de mayo de 2001 al Ministro de Seguridad de la Provincia de Buenos Aires, manifestando su preocupación por los hechos y reclamando una investigación exhaustiva. La investigación penal preparatoria se encuentra actualmente en etapa instructiva.

Respecto a los casos de Mary y Pedro Ortiz, Lidia Zárate, Delia Garcilazo, Oscar Ríos y Silva Ruiz, la Subsecretaria de Derechos Humanos del Ministerio de Justicia y Derechos Humanos informó que se continúan efectuando gestiones para contactar a miembros de la Comisión de Familiares de Víctimas de Gatillo Fácil con el objeto de esclarecer la situación y actuar dentro de sus competencias. Respecto al caso de Varela, Lavado y Acosta, el Gobierno señaló que la Subsecretaria de Derechos Humanos del Ministerio de Justicia y Derechos Humanos de la nación informó que solicitó al Ministerio de Justicia y Seguridad de la provincia de Mendoza que se resguarde en todo lo que las víctimas reclamen en cuanto a sus vidas y seguridad; asimismo que se implementen las investigaciones que permitan el cese de la situación que pesa sobre las personas antes mencionadas. Finalmente el Gobierno informó que se compromete a informar cualquier novedad en relación a los casos antes mencionados.

14. Por carta fechada 5 de diciembre de 2001, el Gobierno de la Argentina transmitió información respecto al caso de miembros de la Comisión de Familiares de Víctimas de Gatillo Fácil enviado el 21 de marzo de 2001. Según la Subsecretaría de Derechos Humanos del Ministerio de Justicia y Derechos Humanos, se continúan efectuando gestiones para contactar a miembros de la mencionada Comisión. Asimismo, dicha Subsecretaría mantiene un permanente contacto con la Dirección de Derechos Humanos y el Ministerio de Seguridad, a fin de aunar esfuerzos en la investigación y esclarecimiento de los hechos.

15. Por cartas fechadas 5 y 28 de diciembre de 2001, el Gobierno de la Argentina informó respecto a los casos de Vanesa Lorena Ledesma y Vanesa Piedrabuena. El Gobierno señaló que la Subsecretaría de Derechos Humanos del Ministerio de Justicia y Derechos Humanos se ha puesto en contacto con el Ministro de Gobierno de la provincia de Córdoba reclamándole el cese de las presuntas amenazas contra la vida y la seguridad de Vanessa Piedrabuena. Además, el Gobierno de la Argentina estableció que el 25 de abril del 2001 las actuaciones fueron giradas a la Unidad Judicial Delitos Especiales a los fines de continuar con la investigación iniciada por la Dirección de Lucha Contra la Discriminación. Con motivo de la muerte de Vanesa Lorena Ledesma, el Gobierno indicó que en el mes de octubre de 2000, a requerimiento de la Fiscalía Interviniente, el juzgado de control dictó el sobreseimiento total de los nueve uniformados quienes habían procedido a la detención de Vanesa Lorena Ledesma y que habían estado a cargo de la misma en los momentos inmediatamente posteriores a su detención. Asimismo, el Gobierno señaló que cada una de las cuestiones planteadas en relación al fallecimiento de Vanesa Lorena Ledesma fueron oportunamente investigadas, valoradas y resueltas. No procedió nuevo análisis por cuanto las instancias procesales han sido agotadas, tras motivadas resoluciones, sin que hayan sido cuestionadas por recurso alguno. Hizo saber a Vanesa Piedrabuena que aparece innecesaria la audiencia solicitada sobre las mismas cuestiones.

Observaciones

16. La Representante Especial quisiera agradecer al Gobierno todas las respuestas facilitadas.

BANGLADESH

Communication sent

17. On 23 January 2001, the Special Representative, together with the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal concerning nine activists who were reportedly arrested on 12 January 2001. Those activists were Mr. Sanchay Chakma, an indigenous Jumma leader and former president of the Hill Students' Council, Mr. Dipayon Khisha, member of the Reorganization Committee of the Hill People's Council, Mr. Rupok Chakma, President of the Hill Students' Council, Mr. Biplob Chakma, a student of Chittagong University and member of the Executive Committee Hill Students' Council, Mr. Rupayon Chakma, a polytechnic student at Chittagong, Mr. Newton Chakma, Mr. Sadhan Mitra Chakkma, Mr. Kilai Chakma, supporters of the United Peoples Democratic Front and Mr. Karim Abdullah, Chittagong City leader of the Janotantric Biplobi Jote. The nine were reportedly arrested by the police and plain clothed personnel from the Intelligence Bureau while they were participating in a public meeting to celebrate the second anniversary of the formation of the United Peoples Democratic Front (UPDF), one of the organizations of the indigenous Jumma peoples. Mr. Chakma and his associates were charged for having allegedly created a disturbance in the minds of the public because of statements they made against the Accord of the Chittagong Hill Tracts.

Communication received

18. By letter sent on 21 May 2001 the Government responded that the Chittagong Metropolitan Police had received secret information on 12 January 2001 that some accused persons who had absconded from different thanas of Rangamati Hill District were present at the meeting in the Zila Parishad Auditorium arranged by the United Peoples Democratic Front. On receipt of that information, the police had arrested the nine persons and produced them before the Court of the Chittagong Metropolitan Magistrate, which sent them to Chittagong jail. As there was no specific allegation against Karim Abdullah, he was released. According to the Government, Mr. Chakma and his seven tribal associates were wanted for a specific murder case, No. G.R-1(10) 2000 dt. 9.10.2000 US 302 B.P.C lodged at Kawkhali police station under Rangamati Hill District. They were sent to Rangamati District Jail on 10 February 2001 as under-trial prisoners.

Observations

19. The Special Representative thanks the Government for its reply. She will continue to watch and evaluate the situation of the imprisoned Chakma leaders.

BELARUS

Communications sent

20. On 27 September 2001, the Special Representative transmitted an allegation concerning the following cases.

21. Ales Abramovich, a member of the Belarusian Helsinki Committee and the Belarusian Social Democratic Party, reportedly spent 35 days in detention, from 14 February to 20 March 2000, for staging three peaceful pickets in the town of Borisov. According to the information received, this sentence reportedly related to a peaceful protest action on 16 January 2000, during which Mr. Abramovich and other protestors reportedly held posters bearing slogans such as "Zakharenko, Gonchar ... who is next?" It was reported that, while he has been in detention, the guards have repeatedly placed people with the open stage of tuberculosis in his cell.

22. Vera Stremkovskaya, a leading human rights lawyer, a defence counsel in a number of high-profile cases who received a number of prestigious international human rights awards in 1999, and the director of the Centre for Human Rights, has been reportedly threatened with expulsion from the Collegium of Advocates if she did not cease her human rights activities. According to the information received, the Collegium of Advocates exerted pressure on Ms. Stremkovskaya, during a two-day human rights conference held in Minsk in March 2000, for alleged violations of regulations which govern the legal profession in Belarus. According to the information received, three different criminal cases have also been brought against Ms. Stremkovskaya since December 1998 on the basis that she had defamed public officials, all three of which were dropped at the end of December 1999. It was reported that, on 20 June 2001, a Minsk Court convicted Ms. Stremkovskaya of libel, fining her, and that she immediately filed an appeal against her conviction.

23. Andrei Petrov, Dmitry Abramovich and Anton Telezhnikov, three members of Zubr, a non-registered pro-democracy and human rights organization, were reportedly detained outside the Presidential Administration Building in Minsk, on 5 March 2001, after participating the same day in a demonstration and holding pictures and placards of four men who reportedly disappeared in 1999-2000: the former Minister of the Interior, Yury Zakharenko, the Deputy Speaker of the dissolved 13th Supreme Soviet, Viktor Gonchar and his companion, Anatoly Krasovsky, and the Russian Public Television cameraman, Dmitry Zavadsky. According to the information received, Mr. Petrov and Mr. Abramovich were reportedly fined 20 times the minimum monthly salary by Leninsky District Court in Minsk on 6 March 2001, while Mr. Telezhnikov was reportedly sentenced to 15 days in prison in Okrestina Detention Centre for participation in an unsanctioned action under article 167 (2) of the Belarusian Criminal Code.

24. Four other activists from Zubr, Aleksey Shidlovsky, Timofey Dranchuk, Dmitry Drapochko and Ales Apranich, were reportedly arrested in Minsk on 5 April 2001 for spray-painting on the wall of a factory: "Where is Gonchar? Where is Zavadsky? Where is Zakharenko?" According to the information received, the four activists are facing charges under article 341 of the Belarusian Criminal Code for allegedly defacing a building with graffiti.

25. Yuri Bandazhevsky, an internationally recognized scientist specializing in medical research on nuclear radioactivity and former Rector of the Medical Institute of Gomel, was reportedly charged on 18 June 2001 with bribery and sentenced by the Military Collegium of the Belarusian Supreme Court in Gomel to eight years' imprisonment at the UZ 15/1 prison in Minsk. This sentence was allegedly related to his outspoken criticism of the Belarusian

authorities' reaction to the Chernobyl nuclear reactor catastrophe of 1986 and its harmful consequences on the health on the population. His conclusions were reportedly in contradiction with the official thesis spread by the authorities.

26. The offices of the Belarusian Helsinki Committee, a non-governmental organization, have reportedly been burgled several times since 1996, resulting in the loss of a significant amount of valuable information. The persons responsible for the burglary allegedly ignored expensive office equipment but instead stole the organization's database on election monitoring and human rights violations, covering a five-year period. On 10 July 2001, the Belarusian Helsinki Committee reportedly suffered a further break-in, with the loss of two computers holding information about the organization's activities relating to the 2001 presidential election.

27. The Belarusian Association of Women Lawyers, based in the western city of Brest, reportedly came under particular scrutiny in 1998. According to the information received, at that time the human rights organization was reportedly receiving a number of foreign grants for the purpose of human rights promotion. It was reported that, although the organization was subjected to a tax audit lasting around five months, the tax authorities reportedly found an inconsistency equivalent to $4. In the interim, the president of the organization, Ms. Galina Drebezova, was reportedly forced to expend considerable energy and time in producing and explaining the relevant documents and figures. In addition, the local authorities were reportedly not willing to allow the Belarusian Association of Women Lawyers to use municipally owned property for seminars and other human rights events.

28. The Belarusian Free Trade Union in Minsk was reportedly raided on 19 August 1999 by police officers who burst into the organization's offices on the pretext that an explosive device had been placed there. According to the information received, although no explosive device was ever found, the police officers allegedly confiscated around 30,000 leaflets calling on people to take part in the pro-democracy freedom march planned for October that year.

29. The Minsk offices of the human rights organization Spring-96 were reportedly raided on 4 October 1999 by around 10 police officers. According to the information received, the raid, which lasted for around four hours, took place two weeks before the pro-democracy freedom march. It was reported that police officers confiscated two computers, two printers and copies of the organization's human rights journal *Right to Freedom*, on the grounds that the organization did not possess the necessary authorization to print on the premises. The chairperson of Spring-96, Ales Byalytsky, was reportedly detained on 18 November 1999 and kept in custody for one day after demanding from officials that the organization's confiscated equipment be returned. According to the information received, the equipment was returned to the organization after a delay of around two months. It was further reported that on 16 March 2001 police officers conducted a raid on the offices of Spring-96 in the town of Borisov, north-east of Minsk, on the basis that people in a neighbouring building had reportedly complained about noise.

30. Oleg Volchek, local chairperson of Legal Assistance to the Population, was reportedly denied, on 2 April 2001, registration of a national organization which was to be named "Legal Defence of Citizens". According to the information received, Mr. Volchek submitted, on 9 February 2001, in accordance with the law, the documents required to register the organization.

It was reported that the Ministry of Justice refused registration of the organization, claiming that it had not meet the necessary requirements to become a public association. The main basis for the refusal was reportedly the organization's statute, which declared its aims to render legal assistance and associated consultations to others in the area of human rights and basic freedoms. According to the decision, the aims were reportedly contrary to the official definition of the term "legal assistance" and contrary to article 22 of the Law on Public Associations, which reportedly states that public associations can only represent and defend the rights and legal interests of their members and not third parties.

31. It has been reported that human rights organizations, like all other associations, are subject to a system of official warnings, which may result in their official closure by the Ministry of Justice. Fears have been expressed that official warnings may permit the Belarusian authorities to interfere in the internal affairs of the organizations. In this connection, three members of the human rights organization Spring-96, the chairperson, Ales Byalytski, as well as Palina Stepanenka and Valyantsin Stefanovich, reportedly received and official warning on 18 August 2001 from the Ministry of Justice. According to the information received, the first warning received from the Ministry of Justice had complained that the letterhead used on Spring-96's office paper had reportedly violated official regulations. It was further reported that, in October and December 2000, the organization received a second and third official warning for the alleged incorrect use of the organization's name on its monthly human rights publication, *Right to Freedom*. Sergei Obodovsky, the chairperson and founder of the Mogilov Human Rights Centre, reportedly received a warning on 29 September 2000 from the local justice authorities stating that that organization had violated the 1994 Law on Public Associations by defending the rights of people who were not members of the organization. Mr. Obodovsky had appealed against the action taken against the organization to a higher judicial instance.

32. Furthermore, it has been brought to the attention of the Special Representative that on 14 March 2001, President Alyaksandr Lukashenka issued a decree entitled "Several measures on improving distribution and use of foreign humanitarian aid", which reportedly prohibits the use of foreign funding for pro-democracy purposes. NGOs may be at risk of incurring fines and closure if they violate the legislation. On 11 May 2001, another presidential decree, entitled "On certain measures to improve procedures for holding meetings, rallies, street processions, demonstrations and other mass actions and pickets", was introduced which imposes new restrictions on the right of freedom of assembly. It has been reported that, under the decree, the body organizing a sanctioned event may be held entirely responsible for the action and may be fined or de-registered if public order is deemed to have been violated.

33. On 27 September 2001 the Special Representative, together with the Special Rapporteur on torture and the Special Rapporteur on freedom of opinion and expression, transmitted an allegation regarding the following cases.

34. Oleg Volchek, a lawyer, chairperson of Legal Assistance to the Population, and chairperson of the non-governmental committee which has demanded an independent investigation into the possible disappearances of Yury Zakharenko, Viktor Gonchar, Anatoly Krasovsky and Dmitry Zavadsky, was reportedly arrested on 21 July 1999, in Minsk,

after a pro-democracy demonstration with other companions. He was then taken to the Moskovsky District Department of Internal Affairs, where it is alleged that he was repeatedly punched and kicked on the body and head by three police officers who refused him access to a doctor. Mr. Volchek and his companions were not reportedly released until 22 July 1999. Apparently, as a result of his complaint, Mr. Volchek was charged with malicious hooliganism under article 201 (2) of the Belarusian Criminal Code and risked a sentence of several years' imprisonment. The charges against him were reportedly dropped in November 1999 owing to lack of evidence. Another allegation was transmitted on this case on 30 September 2001 by the Special Representative, together with the Special Rapporteur on torture and the Special Rapporteur on freedom of expression.

35. Valery Schukin, a human rights defender, independent journalist and member of the dissolved parliament, was reportedly sentenced by Minsk City Court on 17 April 2001 to three months' imprisonment. According to the information received, Mr. Schukin was convicted for his alleged role in organizing the October 1999 pro-democracy freedom march, and for alleged hooliganism relating to an incident which reportedly occurred on 16 January 2001 when police officers refused him entry to a press conference given by the Minister of the Interior, Vladimir Naumov, in Minsk. It was further reported that a struggle had ensued between Mr. Schukin and guards policing access to the conference, who had reportedly violently forced him to the ground.

36. Vladimir Yuhko, a member of the Belarusian Conservative Christian Party, was reportedly ill-treated by police officers on 18 May 2001 and suffered a broken arm while protesting outside the Palace of the Republic building in Minsk. According to the information received, police officers detained approximately 30 protestors who were reportedly carrying posters of the men who had apparently disappeared and distributing leaflets contesting the proposed union of Belarus with Russia. It was reported that plain clothes police officers are alleged to have used force to disperse the peaceful protestors and ill-treated a number of them.

Observations

37. The Special Representative regrets that at the time of the finalization of this report the Government had not transmitted any reply to her communications.

BHUTAN

38. In a communication dated 25 July 2001, the Special Representative requested the Government to extend an invitation to her to carry out an official visit to Bhutan. No reply has been received so far.

BOLIVIA

Communication sent

39. On 6 March 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal concerning Mr. Waldo Albarracín Sánchez, President of the Permanent Assembly for Human Rights in Bolivia

(APDHB). According to the information received, Mr. Waldo Albarracín Sánchez received threatening phone calls on his cell phone on two occasions, on 22 and 28 February 2001. In the second phone call, threats were reportedly extended to Mr. Waldo Albarracín Sánchez's family. According to the source, the APDHB reported the facts to the Commission for Human Rights of the Bolivian Parliament, the National Ombudsman Office, the Ministry of Justice and the Minister of Interior.

Observations

40. No reply has been received so far.

BRAZIL

Communications sent

41. On 24 April 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal regarding Romoaldo Vandresen, the son of Mr. Dionisio Vandresen, coordinator of the Pastoral Commission on Land in Parana. According to the information received, he was followed on 10 April 2001 in Parana by a vehicle driven by two unknown men, who allegedly forced him to stop, then threatened him with a gun and searched his car. The two gunmen reportedly told Romoaldo Vandresen to tell his father that they were going to kill both of them. It is alleged that the emblem of the civil police was on the guns that were used in the incident. According to the source, these acts were connected with the active role played by the victims in denouncing the repression of rural farmers without land in Parana.

42. On 30 October 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal regarding death threats against Friar Wilson Zanatta, a member of the Pastoral Land Commission in Tupancireta, in the State of Rio Grando do Sul. According to the information received, on 20 October 2001, Friar Wilson Zanatta was stopped on the road while he was on his way to assist landless rural labourers in Estancia Grande Estate. A man driving a Chevrolet pickup truck struck the vehicle driven by Friar Wilson Zanatta. He asked Mr. Zanatta where he was going and it is reported that when Mr. Zanatta answered that he was going to the encampment of the landless labourers, the man ordered him to turn around and threatened to kill him if he did not execute his orders. Mr. Zanatta reportedly filed an incident report with the local police. Because of the climate of fear and tension in Tupancireta, the community of friars to which Zanatta belongs decided to transfer him out of the region.

Observations

43. The Special Representative has not yet received a response from the Government.

CAMEROON

Communication envoyée

44. Le 4 mai 2001, la Représentante spéciale, conjointement avec le Rapporteur spécial sur le droit à la liberté d'opinion et d'expression, le Président-Rapporteur du Groupe de travail sur la détention arbitraire et le Rapporteur spécial sur la torture, a adressé au Gouvernement un appel urgent concernant le professeur Sindjoun Pokam, Djeukam Tchameni, Djimo Léandre, Peter William Mandio, journaliste, directeur de publication du journal *Le Front indépendant*, et Olivier Sande. Ces cinq personnes auraient été arrêtées sans mandat d'arrêt le 26 avril 2001 et détenues au commissariat central de Douala. Bien que la raison de leur détention ne soit pas connue, des craintes ont été exprimées quant au fait que les personnes mentionnées ci-dessus aient été arrêtées en raison de leurs activités en faveur des droits de l'homme et dans le but de les empêcher d'exercer leur droit à la liberté d'opinion et d'expression. En effet, le professeur Sindjoun Pokam, Djeukam Tchameni, Djimo Léandre et Peter William Mandio sont membres du Collectif national contre l'impunité, une organisation qui lutte pour que les personnes coupables de violations des droits de l'homme soient présentées devant la justice. Ils auraient été arrêtés alors qu'ils se rendaient à une réunion du Collectif.

Observations

45. La Représentante spéciale regrette qu'aucune réponse du Gouvernement ne lui soit parvenue.

CENTRAL AFRICAN REPUBLIC

Communication envoyée

46. Le 7 mars 2001, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la torture et le Rapporteur spécial sur le droit à la liberté d'opinion et d'expression, a adressé au Gouvernement un appel urgent concernant la situation de M. Aboukary Tembeley, Président du Mouvement des droits de l'homme et directeur de publication du *Journal des droits de l'homme*. Selon les informations reçues, il aurait été arrêté le 14 février 2001 à la suite de la publication des résultats d'un sondage qu'il aurait effectué sur la démission du Président Patassé. Selon les informations reçues, il aurait été interrogé par la Direction générale de la Gendarmerie nationale pendant quatre heures. Transféré devant le parquet de Bangui le 16 février 2001, M. Tembeley aurait été inculpé en vertu de l'article 77 du Code pénal pour "diffusion de propagande de nature à nuire aux intérêts vitaux de l'État et de la Nation" et pour "incitation à la haine et à la révolte contre les institutions démocratiquement élues". Selon les informations reçues, le tribunal de Bangui aurait déclaré M. Tembeley coupable "d'actes de manœuvre de nature à compromettre la sécurité publique ou à occasionner des troubles politiques graves". Il aurait été condamné à deux mois de prison et à une amende de 150 000 francs CFA.

Observations

47. La Représentante spéciale regrette qu'aucune réponse du Gouvernement ne lui soit parvenue.

CHAD

Communication envoyée

48. Le 5 juillet 2001, la Représentante spéciale a adressé au Gouvernement un appel urgent concernant M^me^ Jacqueline Moudéina, responsable juridique de l'Association tchadienne pour la promotion et la défense des droits de l'homme (ATPDH) et avocate des victimes tchadiennes dans les poursuites judiciaires engagées à l'encontre de l'ancien chef d'État, Hissein Habré. D'après les informations reçues, elle aurait été attaquée le 11 juin 2001 par des membres de la police antiémeutes alors qu'elle participait devant l'ambassade de France à N'Djaména à un rassemblement d'une centaine de femmes qui souhaitaient soumettre une motion à l'Ambassadeur de France pour protester contre la politique de la France au Tchad. D'après les informations reçues, pendant la dispersion du rassemblement, des éléments des forces de sécurité auraient demandé où se trouvait M^me^ Moudéina et auraient lancé une grenade dans sa direction, la blessant à la jambe droite. M. Mahamat Wakaye, ancien haut responsable de la DDS, la police politique de Hissein Habré, aurait dirigé la police antiémeutes au moment des faits. Il semblerait que cette action s'inscrive en représailles des activités de M^me^ Moudéina. Cette crainte se serait confirmée suite au harcèlement dont aurait été victime M^me^ Moudéina dans l'enceinte de la clinique Providence où elle a été emmenée pour être soignée. Cet appel urgent concernait également M. Samuel Togoto, commissaire de police et ancien Vice-Président de l'Association des victimes de crimes et répressions politiques au Tchad (AVCRP) et ancien détenu de la DDS, qui serait victime de harcèlement administratif. Il lui serait reproché d'avoir voyagé hors du pays sans autorisation préalable du Ministre de l'intérieur et d'avoir fait des déclarations contraires à son statut de policier au Tchad et à Dakar, où il se serait rendu pour témoigner en tant que victime dans l'affaire de l'ancien chef d'État, Hissein Habré. D'après les informations reçues, son interrogatoire aurait été mené par l'inspecteur Brahim Djidda, ex-directeur général de la Sûreté poursuivi aujourd'hui par les victimes pour torture. M. Togoto encourrait une suspension de salaire pendant plusieurs mois, voire une radiation pure et simple. Enfin, cet appel urgent mentionnait également le cas de M. Daniel Bekoutou, journaliste tchadien, qui, dès le commencement du procès d'Hissein Habré à Dakar, aurait reçu des menaces de mort en raison de ses articles en faveur du jugement de l'ancien chef d'État. En conséquence, il aurait dû fuir le Sénégal et s'exiler en Europe.

Observations

49. Aucune réponse du Gouvernement n'a été reçue jusqu'à ce jour.

CHINA

Communications sent

50. On 31 August 2001 the Special Representative transmitted an allegation jointly with the Special Rapporteur on torture on the following cases.

51. Wang Wanxing, a human rights activist, was reportedly forcibly removed from his home by public security officers and taken to Ankang Psychiatric Hospital in Beijing on 23 November 1999. This followed Mr. Wanxing's request to the authorities to hold a press

conference to discuss his confinement. He was allegedly first detained in Ankang Public Security Hospital on 3 June 1992 after trying to unfurl a banner in Tiananmen Square commemorating the events of 4 June 1989. On 19 August 1999, Wang Wanxing was reportedly released for a three-month trial period.

52. Li Lanying, Chen Shihuan, Liu Jinling and Chi Yunling, four Falun Gong practitioners from Zhaoyuan county in Shandong province, were reportedly detained in November 1999 for disclosing details of the death due to torture of Zhao Jinhua in October 1999. In December 1999, Li Lanying and Chen Shihuan were reportedly assigned to three years' "re-education through labour", to be served in a labour camp in Zibo county, Shandong province.

53. On 26 September 2001 the Special Representative transmitted an allegation jointly with the Special Rapporteur on torture regarding the following cases.

54. Mr. Lobsang Tenzin and Mr. Tenpa Wangdrak were reportedly caught, on 31 March 1991, while in Drapchi Prison, attempting to hand over a letter to the then United States Ambassador, James Lilley, who was visiting Drapchi Prison. According to the information received, the letter contained in detail treatment meted out to political prisoners and a list of prisoners who had reportedly been tortured. Mr. Lobsang Tenzin and Mr. Tenpa Wangdrak were reportedly beaten by officers of the Public Security Bureau (PSB), and moved to dark isolation cells.

55. Mrs. Li Yang was reportedly arrested on 15 March 2000 and sent for one month to Chaoyang District Detention Centre for appealing for the rights of Falun Gong practitioners at the Government Central Appeal Office in Beijing. She was reportedly held in very bad conditions.

56. Ms. Zhang Xueling was reportedly sentenced on 24 April 2000 to three years' imprisonment in the Wangcun Labour Camp in Shandong province for collaborating with the enemy. According to the information received, her arrest was connected with the appeal Ms. Zhang filed to seek justice for her mother, Ms. Chen Zixiu, who had allegedly been beaten to death on 21 February 2000, while in detention, and ask for a forensic report. It has been further reported that, on 20 April 2000, Ms. Zhang gave details of her mother's death and of her quest for justice to the *Asian Wall Street Journal*.

57. On 27 September 2001 the Special Representative transmitted an allegation to the Government of China regarding the following cases.

58. Jamphel Jangchup, Ngawang Phulchung, Ngawang Woeser and Ngawang Gyaltsen, Drepung monk members of the "Organization of Ten" were reportedly arrested by officers of the Public Security Bureau (PSB), on 16 April 1989, for forming a "counter-revolutionary organization, producing reactionary literature, which attacked the Chinese Government and slandered the People's Democratic dictatorship". In fact, the group reportedly published a Tibetan translation of the Universal Declaration of Human Rights and had also given information about the human rights abuses reportedly perpetrated by the authorities. According to the information received, Mr. Jangchup and Mr. Phulchung were sentenced to 19 years' imprisonment and Mr. Woeser and Mr. Gyaltsen were sentenced to 17 years.

59. Mr. Chu O-ming, a Falun Gong practitioner based in Hong Kong, was reportedly arrested on 7 September 2000 in connection with the complaint he filed, on 29 August 2000, with the Supreme Procuratorate of China, against Jiang Zemin, the President, Zeng Qinghong, Minister of the Ministry of Human Resources and Personnel, and Luo Gan, Secretary of the Political and Legal Committee of the State Council, for alleged persecution of Falun Gong practitioners. To date, Mr. Chu's family has still not obtained any information about his whereabouts.

60. Ms. Teng Chunyan, a medical doctor and Falun Gong practitioner, was reportedly charged with "prying into State intelligence for overseas organizations" and sentenced to three years in jail by Beijing Intermediate People's Court, on 23 November 2000. According to the information received, on 7 February 2000, Ms. Teng led foreign journalists to a village in the Fangshan district of Beijing, where they reportedly interviewed Falun Gong practitioners detained in a mental hospital. In March 2000, Ms. Teng returned to Fangshan and provided a digital camera for a man to take pictures of the detained Falun Gong members to document their detention and hunger strike. She later reportedly forwarded the pictures to foreign news organizations by e-mail.

61. On 8 and 12 March 2001, the local police reportedly arrested He Kechang, Ran Chongxin, Jiang Qingshan and Wen Dingchun, four farmers, who were planning to go to Beijing in early March 2001 to present a petition to the Government complaining that local officials had embezzled funds intended to pay for resettling them. According to the information received, the four farmers are among thousands of people whose homes will be flooded by the Three Gorges Dam, a giant reservoir that is reportedly planned to be operational in the centre of Gaoyang in 2003. All four of them were reportedly held in the Yunyang county police Detention Centre, charged with disturbing the social order, leaking State secrets and maintaining illicit relations with a foreign country.

Observations

62. The Special Representative regrets that at the time of the finalization of this report the Government had not transmitted any reply to her communications.

COLOMBIA

Urgent appeals

63. On 4 January 2001, the Special Representative sent an urgent appeal concerning the Commander of the Colombian Army who issued a press release on 26 July 2000 attacking Mr. Gustavo Gallón Giraldo, Director of the NGO Colombian Commission of Jurists, and other members of the organization. According to the information received, the press release has made a reference to their involvement in the judicial proceedings aimed at solving the disappearance of a human rights defender on 4 July 1990. On 31 July 2000, Mr. Gallón asked the President of Colombia and the Supreme Commander of the Armed Forces of the Republic to order a rectification of that information. It was reported that the answer given by the Commander of the Army was reportedly incomplete since it did not respond to important questions relating to the video made by the members of the National Army showing human rights defenders who had participated in the judicial proceedings.

64. On 19 January 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Iván Madero Vergel and José Guillermo Larios, members of the organization CREDHOS in Barrancabermeja, who were reportedly threatened on 3 January 2001 by army-backed paramilitaries. According to the information received, several people thought to belong to the paramilitary group AUC came to the homes of the above-named persons, threatening them and their families. Since then, Mr. Madero Vergel has received a number of threatening phone calls at his home, reminding him that he is considered to be a military target and accusing him of being a guerrilla collaborator or supporter. Both men are members of an organization which has played a vital role in drawing international attention to human rights abuses committed by guerrillas, the security forces and their paramilitary allies.

65. On 6 February 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers regarding Mr. Oscar Rodas Villegas, a lawyer and human rights defender, member of the José Alvéar Restrepo Lawyers' Association (CAJAR), who has reportedly been threatened with death and ordered to put an end to his investigations about human rights violations. According to the information received, on 24 January 2001, his wife, Ms. Olga Iliana Velez, was abducted by three men and a woman thought to belong to a paramilitary group. She was taken to an unknown house and beaten. She was freed at the end of the day and asked to tell Mr. Rodas Villegas that he had to disappear before 17 February or his family would be set upon.

66. On 13 February 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on violence against women regarding two men who identified themselves as members of the paramilitary group AUC and who reportedly came on 27 January 2001 to a women's community centre "Casa de la Mujer" run by the Organización Femina Popular (OFP) in the district of Barrancabermeja. According to the information received, these two men announced that they had come to take over the centre and demanded the keys from the activists. One of the men reportedly returned the same day, threatened Jackeline Rojas and stole her mobile phone. He reportedly said that the paramilitaries would take the centre by force and "blow the door and trample over whoever stands in their way". This man was arrested by the police, but it is feared that the AUC will carry out their threats. Furthermore, on 8 February 2001, two armed men, who identified themselves as members of the AUC, approached an international observer from Peace Brigades International (PBI) and ordered him to hand over his papers and mobile phones. When he refused, the men threatened him with a gun, at which point he and his colleague from the OFP gave the men their papers and mobile phones. As the men were leaving the centre, they threatened the international observer from PBI, declaring the organization a military target.

67. On 22 February 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Mr. Omar Vera Luna, President of the Junta de Acción Comunal in Barrancabermeja and collaborator of the Peace and Development Programme in Magdalena Medios, who has reportedly been threatened with death on various occasions since 16 February 2001 by members of the AUC.

According to the information received, Mr. Vera Luna has reportedly refused to take part in a demonstration organized by the paramilitaries protesting against the creation of a place, "El Retén", designed to host meetings between the guerrilla members of ELN and the Government. As a result of renewed threats, and despite the presence of the police, Mr. Vera Luna and his family have been forced to leave their house and find shelter in the "Casa de la Mujer" centre run by the OFP in Barrancabermeja. In addition, Mr. Andrés Aldana, President of the Junta de Acción Comunal reportedly received a visit on 15 February 2001 from two persons who identified themselves as members of the AUC. He was reportedly forced to sign a document requesting the presence of the national army in the city and the expulsion of the OFP. On 16 February 2001, he received two other visits from members of paramilitary groups who forced him to join a demonstration against the creation of "El Retén". Mr. Angel Miguel Solano, received a visit on 7 February 2001 from three men who identified themselves as members of the AUC and who warned him that he had to leave the city of Barrancabermeja. He was also asked to take part in the demonstration.

68. On 9 March 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding activists of the OFP who were reportedly attacked and threatened by paramilitaries as they organized a celebration of International Women's Day on 8 March 2001. According to the information received, on 7 March two OFP members were handing out leaflets to promote the activities they were organizing. A group of men who said they were members of the paramilitary AUC approached them. The men snatched the leaflets and burned them. They also threatened the women and told them to leave the area. Later, the OFP President, Yolanda Becerra, received a call on her mobile phone in which a threatening voice told her she would have to take the consequences.

69. On 2 April 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding professional killers who have reportedly been ordered to murder Mr. Alirio Uribe, a human rights lawyer, President of the José Alvéar Restrepo Lawyers' Association (CAJAR) and Vice-President of the International Federation of Human Rights Leagues (FIDH). According to the information received, the threats came as Mr. Uribe was participating in the session of the Commission on Human Rights in Geneva.

70. On 11 June 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on violence against women regarding army-backed paramilitaries who reportedly told OFP worker Ms. Dany Rada Jimenez (22 years of age) on 18 May 2001 that she was a military target. Subsequently, she received further death threats and the paramilitaries reportedly told community members in various districts of Puerto Wilches, in Santander department that they would kill more OFP members. Ms. Rada Jimenez was reportedly kept under constant surveillance by men following her in the street for the past few weeks. She reported all this to the police.

71. On 11 June 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding three armed gunmen, thought to be army-backed paramilitaries belonging to the AUC, who reportedly

abducted Mr. Kimi Domico Pernia in the municipality of Tierralta, department of Cordoba, on the evening of 2 June 2001. According to the information received, he has not been seen since his abduction. Mr. Domico Pernia is a leader of the Embera indigenous people, who live along the rivers Sin and Verde in the department of Cordoba. He has played a leading role in the indigenous communities' campaign against the construction of the Urrú dam, which will destroy much of their ancestral lands.

72. On 12 June 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Ms. Bernice Celeyta Alayón, President of the human rights organization NOMADESC, who reportedly found a message on her home answering machine on 18 May 2001 threatening her with death. The next day, a funeral wreath was left on her doorstep. Since 14 May 2001, she has reportedly been kept under constant surveillance by unknown men in cars. In the past few months, NOMADESC has denounced human rights violations by paramilitaries who have threatened and killed trade unionists in Valle del Cauca department, and massacred civilians living along the River Naya in Valle del Cauca.

73. On 15 June 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding the safety of Ms. Islena Rey, the only surviving member of a disbanded human rights organization, Meta Civic Human Rights Committee. On 5 June 2001, Mr. Gónzalo Zarate and his brother were reportedly killed by unidentified gunmen at their home in the Manantial district of Villaviciencio, capital of the department of Meta. Before it was disbanded, the organization played an important role in denouncing human rights violations committed by the security forces and their paramilitary allies in Meta. Since 1991, four leading members have been gunned down and three other members have disappeared. In its second year, the organization faced continuous threats, and three of its members disappeared.

74. On 15 June 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Astrid Manrique Carnaval, a member of the Popayan branch of the ASFADDES, and her family who had reportedly repeatedly been threatened in the previous few weeks. On 3 June 2001, it was reported that two men smashed all the windows at Ms. Manrique Carnaval's house. On 25 May 2001, she and her 14-year-old daughter were followed by six unidentified men in the street. At the end of April 2001, unknown men came to the home of her sister, who saw them keeping it under surveillance.

75. On 29 June 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Ms. Emma Gómez de Perdono, a member of the trade union ANTHOC in Honda city, department of Tolima, and her daughter Diana de Perdono, who were reportedly victims of an attempted murder by paramilitaries on 13 June 2001. According to the information received, in the previous few weeks, a paramilitary group had threatened with death members of ANTHOC at a hospital in Honda if they refused to take part in the meetings of the paramilitary group. It was reported that paramilitary groups often accuse trade unionists of being members of guerrilla groups and considered them as military targets.

76. On 9 July 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding the disappearance and murder by paramilitaries of Mr. Alirio Pedro Domicó Domicó, Governor of the Embera indigenous group, which occurred in Cabildo del Rio Esmeralda, department of Cordoba, on 25 June 2001, and of Mr. Alberto Sabugara Velásquez, a leader of the Embera indigenous group, in Quibdó, department of Choco, on 27 June 2001. Concern was also expressed at the enforced disappearance on 2 June 2001 in Cabildo del Rio Verde, department of Cordoba, of Mr. Kimi Domico Pernia, also a leader of the Embera indigenous group. On 10 July 2001, the Special Representative and the Special Rapporteur on extrajudicial, summary or arbitrary executions issued a press release expressing their deep concern over the murder and disappearance of indigenous leaders in Colombia.

77. On 12 July 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers regarding Dr. Alirio Uribe Muñoz, a lawyer and human rights defender, and two other members of the José Alvéar Restrepo Lawyers' Association (CAJAR) in Bogotá, Luis Guillermo Perez Casas and Maret Cecilia García, who are still facing harassment and intimidation by paramilitary groups in Cundinamarca. Since Mr. Luis Guillermo Perez Casas started working on the case of massacre committed by members of the army in Mapiripan, he has reportedly been the victim of harassment and regular surveillance.

78. On 24 July 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Mr. Hernando Hernandez Pardo, Vice-President of CUT and President of the Oil Workers' Trade Union (USO), who escaped an assassination attempt on 6 July 2001. According to the information received, he was speaking at a union meeting in Barrancabermeja in Santander department when he was warned that a group of heavily armed paramilitary gunmen had come to the meeting to kill him. The meeting was immediately suspended and Mr. Hernandez Pardo was taken to safety.

79. On 6 August 2001, the Special Representative transmitted an urgent appeal regarding members of the Bogotá-based human rights organization, Corporación Sembrar, who have reportedly been kept under surveillance and threatened. It was alleged that members of the organization, as well as other people who work with Sembrar, have been watched on entering and leaving its office in Bogotá. The threats appear to be related to the organization's activities in and around the city of Barrancabermeja, an area for the control of which army-backed paramilitaries are waging a military campaign.

80. On 23 August 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding the situation of threats, murders and harassment faced by trade unionists. According to the information received, on 16 August 2001, three board members of SINTRAELECOL were victims of an attempted murder when they were leaving its offices in Fusagasugá, department of Cundinamarca. As a result, Ms. Doris Lozano Nuñez died and Mr. Omar García Angulo was seriously injured. On the same day, Mr. Manuel Pajaro Peinado, treasurer of the Trade Union of Public Services of Barranquilla district was murdered in his home. It was reported that

Mr. Edgar Pua and Mr. José Meriño, treasurer and attorney respectively of ANTHOC received death threats and were asked to leave the city and to put an end to their activities. It was also alleged that Mr. Gustavo Villanueva, Director of ANTHOC in Polonuevo, received death threats.

81. On 28 August 2001, the Special Representative transmitted an urgent appeal regarding Commandant Enrique Cotes Prado's declarations during a meeting on 27 July 2001 between local civil and military authorities and a national commission in Fusagasugá. This commission comprised the Vice-Presidency, the Ministry of the Interior, the Ombudsman and the Prosecutor's Office, as well as human rights organizations and the Office of the High Commissioner for Human Rights as observer, and aimed at establishing dialogue with local authorities about the human rights situation in the region. One of the key issues in this dialogue was the relationship between members of the Military Base Camps of Las Águilas and the inhabitants. According to the information received, Commandant Cotes Prado publicly declared that the State institutions and their civil servants, which did not take position regarding the occupation of the area by the guerrilla 20 years ago, were "serving guerrilla members". It has been reported that these declarations violated Presidential Directive 07, which aims to protect human rights defenders, including civil servants who perform human rights work. In that sense, Commandant Cotes's public declarations reportedly did not contribute to promoting dialogue between the different actors in the region and, on the contrary, might create a polarization of the situation.

82. On 13 September 2001, the Special Representative transmitted an urgent appeal regarding Edgar Pua, Judith Castillo, Argemio Rivaldo, Carlos Bustamente, Ubaldo Galindo, José Meriño and Arminto Sarmiento, members of ANTHOC in Baranquilla, Atlantico region, who were reportedly threatened with death by paramiliatries who accused them of being guerrilla members. As a result of these threats, they were forced to leave the region. Carmen Pungo and Ricaurte Yanten Pungo, members of ANTHOC, were murdered on 2 September 2001 by paramilitary groups in Tambo, Cauca region.

83. On 26 September 2001, the Special Representative transmitted an urgent appeal jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Mr. Hernando Montoya, a trade union leader of SINTRAMUNICIPIO, Cartago section, department of Valle, who reportedly received anonymous death threats on 7 September 2001. Previously, the Cooperativa de Seguridad (COPROSEG) had reportedly threatened Mr. Montoya. Although a beneficiary of the Minister of the Interior programme of protection, he is allegedly still facing harassment and threats by paramilitary groups. In addition, it has been reported that the mayor of Cartago has proffered verbal threats against Mr. Montoya on various occasions which have contributed to increasing the risk for his safety.

84. On 25 October 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of opinion and expression regarding Mr. Luis Manuel Anaya Aguas, treasurer of the Sindicato de Conductores y Trabajadores del Transporte de Santander (SINCONTRAINDER) in Barrancabermeja, and its president, Mr. Luis Lopez, who were reportedly killed on 16 and 19 October 2001. On 17 October 2001, Mr. Julián Rodríguez, a member of the Corporación CREDHOS, was murdered in Barrancabermeja, allegedly in

retaliation for his human rights activities. According to the information received, six trade unionist leaders of the Unión Sindical Obrera (USO) were reportedly held in detention on 19 October 2001 in various cities around the country and accused of rebellion. Among the detainees were Mr. Jairo Calderón, former president of the USO, held in detention in Bucaramanga, Mr. Alonso Martínez, a USO activist, held in Bogotá, Mr. Ramon Rangel, a member of the USO Human Rights Commission, held in Barrancabermeja and Mr. Fernando Acuña, former president of FEDEPETROL, held in Barrancabermeja. Agents of the Technical Body of Investigation of the Public Prosecutor's Office and of the Administrative Department of Security (DAS) were reportedly responsible for the arrests. These acts were connected with a one-day demonstration against ECOPETROL, a petrol company under State control, organized by the USO to protest against continuing harassment, death threats, murders and disappearances reportedly suffered by USO leaders and activists. Various board members of the Comité Permanente por la Defensa de los Derechos Humanos (COMPERDH) as well as one of its lawyers, have been reportedly threatened with death. This is the case for Mr. Ernesto Amezquita Camacho, Mr. Luis Jairo Ramirez, Dr. Jahel Quiroga in relation with her activities in the Corporación Reiniciar and Dr. Carlos Lozano. On 11 October 2001, Mr. Rigoberto Jimenez, president of the Asociación de Ayuda Solidaria (ANDAS) in Cartagena, and an ANDAS board member were intimidated by two unidentified men on a motorbike. On 16 October 2001, Mr. Manuel de la Rosa, treasurer of ANDAS, was reportedly detained by three armed men in plain clothes and taken away by force in a van. He was released at the request of other members of the organization.

85. On 30 October 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Ms. Gladys Avila, Secretary-General of ASFADDES, Ms. Gloria Herney, ASFADDES General Coordinator, and other human rights defenders with that association, who were reportedly receiving death threats and being followed on a continuous basis. In recent weeks, it was reported, anonymous telephone calls had been made to ASFADDES. In addition, interference was heard on the office telephones.

86. On 13 November 2001, the Special Representative transmitted an urgent appeal regarding the destruction of the Organización Femenina Popular (OFP) community centre in the Barrio La Virgen, Barrancabermeja, department of Santander. According to the information received, on 10 November 2001, a group of armed men forcibly entered the OFP centre and began to demolish it.

87. On 30 November 2001, the Special Representative sent an urgent appeal regarding continuous threats against members of the Asociación Campesina del Valle del Río Cimitarra (ACVC) despite the recommendation made by the Inter-American Commission of Human Rights on 1 November 2001 to the Government of Colombia to implement the protective measures granted in 1999 in order to protect members of ACVC allegedly declared military targets by paramilitary groups. According to the information received, on 7 November 2001, members of the Cuerpo Técnico de Investigaciones (CTI) of the Attorney-General's Office (Fiscalía) and of the Fifth Brigade of the Army broke into the home of Mr. César Jerez, a member of the board of the Association, in Bucaramanga, and intimidated his family. These threats are allegedly linked

to the activities carried out by ACVC in the defence of the human rights of the inhabitants of Valle del Río Cimitarra in Magdalena Medio Colombiano. The Special Representative was also informed of the existence of a military intelligence report as well as a judicial investigation by the Attorney-General's Office against ACVC and its board.

Allegation letters

88. On 15 February 2001, the Special Representative expressed her concern at the killing of Mr. Iván Villamizar, regional ombudsman (defensor del pueblo) in Cúcuta City in North Santander, on 12 February 2001. Mr. Villamizar, who had been the Dean of the University of Cúcuta, had consistently denounced human rights violations in Catatumbo as well as the massacres, reportedly committed in 1999 by paramilitaries, in La Gabarra and Tibu, all in the department of Northern Santander. It is reported that, because of his work, he had been the object of constant death threats. A press release was issued on the same case by the Special Representative on 16 February 2001.

89. On 17 April 2001, the Special Representative submitted a communication to Mr. Gustavo Bell Lemus, Vice-President of the Republic of Colombia, reminding him of a list of cases she has already sent to the Government. The Special Representative expressed concern over the particularly precarious situation of human rights defenders in the country, especially in the city of Barrancabermeja. Reports indicated that serious human rights abuses are perpetrated by the paramilitary "Self Defence Group" (AUC). The Special Representative acknowledged that the Government of Colombia had taken measures to address the problem, such as the Special Protection Programme for Witnesses and Threatened Persons under the Ministry of the Interior. However, she remained concerned about the slow pace of judicial investigations into crimes against human rights defenders and about the limited administrative, security and financial resources to protect those human rights defenders who found themselves at risk.

90. On 19 October 2001, the Special Representative, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, sent an allegation letter to the Government regarding the case of Mr. Eduardo Umaña Mendoza, a lawyer and human rights defender. According to the information received, Dr. Mendoza was killed on 18 April 1998 by two men and a woman who identified themselves as journalists. Prior to his death, Dr. Mendoza had been threatened on numerous occasions. Complaints had been filed with the competent authorities, but no progress had been made on the investigations into these threats. A number of arrests have been made in connection with the murder, but so far only one person has been formally charged. There is a grave concern that, despite indications of military involvement in the crime, it appears that this line of investigation has not been followed.

91. On 19 October 2001, the Special Representative, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an allegation letter regarding the following cases.

Human rights organizations

92. According to the information received, army-backed paramilitaries threatened to kill OFP members after they helped to organize three days of events and marches in Barrancabermeja calling on both sides in Colombia's armed conflict to respect the human rights of civilians. The paramilitaries declared 11 families who took part in the 14 to 17 August 2001 event to be military targets. First, paramilitary gunmen went to women's homes and told them not to go on the march, and set up roadblocks to stop the event taking place, despite the fact that the army had a strong presence in the city. At the end of the march, the women gathered in the city football stadium to hear speeches. OFP members Jackeline Rojas and Yolanda Becerra were on the podium preparing to begin the event when a man approached and threatened them. On 24 August 2001, OFP was told that paramilitaries had decided to assassinate their members, beginning with one of their leaders, Patricia Ramírez.

93. According to the information received, on 8 and 9 October 2000, four families belonging to the Asociación de Familiares de Detenidos Desaparecidos (ASFADDES) branch at Medellín reportedly received several threatening telephone calls, which were repeated on 31 October 2000, following which they had to leave the region. Ms. Martha Elizabeth Soto Gallo received a threatening message on her answerphone on 13 April 2000. On 11 and 23 November 2000, in Medellín, two letters carrying a death threat was sent to Mr. Sancho Castro, a collaborator of the association. On 20 November 2000, the person in charge of the Cundinamarca branch of ASFADDES is reported to have been followed in Bogotá by two unknown people. It was also reported that, in May 2000, Ms. Rocío Campos, a member of the Managing Council of ASFADDES and its Barrancabermeja branch received several telephone calls from unknown persons who threatened her, fired gunshots and asked her about her brother, Daniel Campos, who disappeared in May 1998. The Special Representative has also been informed of the murder of Ms. Elisabeth Cañas Cano, a member of ASFADDES, on 11 July 2000 in Barrancabermeja. She had been actively involved in combating unpunished criminals, especially in connection with the disappearance of a group of 25 people, including her son, Giovanny Cañas Cano, and her brother, José Milton Cañas Cano, who both disappeared at Barrancabermeja on 16 May 1998. Furthermore, on 29 and 30 September 2000, during a forum entitled "For life and human rights" held in Barrancabermeja, threats were made by paramilitary groups in the form of slogans against members of ASFADDES accused of being members of guerrilla groups and military targets. As a result of the threats targeting it, ASFADDES decided to close temporarily its office in Barrancabermeja on 28 February 2001.

94. According to the information received, since the Regional Corporation for the Defence of Human Rights (CREDHOS) was created 13 years ago, eight of its members have been killed and two others were the victims of murder attempts. The former president of CREDHOS, Osiris Baythe, and the coordinator of the organization in Bolívar, Marco Tulios Campos, were forced to leave Colombia in 1998 and to give up their activities in the region after receiving death threats. The offices of CREDHOS in Barrancabermeja were raided on 16 and 18 October 1999. On 19 October 1999, the coordinator of CREDHOS in Barrancabermeja, Pablo Javier Arenales, received numerous threatening phone calls. In August 2000, the secretary of the organization, Monica Madera Vergel, received a threatening call on the phone assigned to

her by the Ministry of the Interior programme. These acts are connected with the pamphlet distributed by CREDHOS in Bucaramanga during an event, "For life and human rights", in September 2000 denouncing the threats against its members and holding the AUC responsible for them.

Members of human rights organizations

95. According to the information received, on 19 May 1997, a group of masked gunmen, identifying themselves as members of the Attorney General's Office, killed Carlos Mario Calderón and Elsa Constanza Alvarado, both activists of the Centre for Research and Popular Education, in their Bogotá apartment. According to the information received, in July 2001 four persons were reportedly accused of having participated in the murder and sentenced to between 4 and 60 years' imprisonment. It has been reported that detention orders have been issued against paramilitary leaders Carlos and Fidel Castaño, who were allegedly charged with having planned the murders. It has been further reported that although the authorities knew about their whereabouts, they did not take the appropriate measures to arrest them. According to the information received, four judicial police officers and one key witness have been murdered in the course of the investigation. The Special Representative requested information regarding the follow-up to the measures taken by the competent authorities to investigate, prosecute and sentence those found responsible for these acts.

96. Dr. Jesús Valle Jaramillo, a renowned human rights lawyer, was shot dead in February 1998 by unidentified gunmen in his office in Medellín after denouncing links between members of the Colombian military and paramilitary organizations. He was the president of the Antioquia Permanent Committee for the Defence of Human Rights, and the fourth president of that organization to be killed. He was also a university professor and a Conservative Party local councillor.

97. Jairo Bedoya Hoyos, treasurer of the Indigenous Organization of Antioquia (OIA) and former members of the Patriotic Union (UP) political party and of Parliament in 1992-1993, disappeared on 2 March 2000 in the department of Antioquia. Those responsible are reportedly members of paramilitary groups allied with security forces. The victim had participated in a campaign calling for the respect of the cultural rights and for the safety of Embera indigenous people.

98. Marleny Rincon and Ana Julia Arias de Rodriguez, members of the National Association of Peasants and Indigenous Women of Colombia (ANMUCIC), and Marta Cecilia Hernandez, leader of ANMUCIC Zulia, department of North Santander, were killed, allegedly by paramilitary forces, on 21 July 2000, 19 August 2000 and 26 January 2001, respectively. Marleny Rincon, president of the association in the department of Meta, as well as Julia Arias de Rodriguez, treasurer of ANMUCIC and a member of the UP political party, have been accused of being guerrilla members. Marta Cecilia Hernandez's murder is allegedly due to her refusal to withdraw her candidature for the municipal elections.

99. Orlando Moncada, spokesman and member of the board of the Peasants Association of Valle del Río Cimitarra, department of Santander, was killed on 1 September 2000 while standing near a road block set up by the AUC on the road between Puerto de Barrancabermeja and El Tigre.

100. Fernando Cruz Peda, a human rights lawyer and member of the Association of Democratic Jurists of Colombia, continues disappeared in Cali. On 10 December 2000, three unidentified persons in plain clothes took him away to the Attorney-General's Office on the pretext of checking his professional card. Although numerous complaints have been lodged with various national authorities, the case has reportedly not been investigated so far.

101. Pepe Zabala and Angela Andrade, members of the Multi-Ethnic People's Movement of the Nariño Pacific Coast campaigning for the rights of the various ethnic minority groups in the department of Nariño, were killed on 6 August 2001 in the Aguaclara district of the municipality of Tumaco. According to the information received, paramilitaries began threatening to kill members of this NGO in September 2000. The Movement had appealed to the Ministry of the Interior for protection because of the death threats. The Ministry had provided mobile telephones for members to inform the authorities if they were attacked.

102. Yolanda Cerõn, a nun and director of the human rights team of the Catholic church organization Pastoral Social in Tumaco, Narizo department, was reportedly shot several times on 19 September 2001 by unidentified gunmen as she walked across a park in Tumaco. She was taken to the local hospital, where she died moments later. Ms. Cerõn had worked for many years with Pastoral Social to denounce human rights violations in Narizo department and in support of the victims and their families. She had recently reported that unidentified men had followed her and that the offices of Pastoral Social were under permanent surveillance. Some time before, she had also been called to the Attorney-General's Office in Tumaco to ratify the denunciations she had made some months before of several cases of human rights violations.

Internally displaced persons

103. On 3 September 2000, Cesar Molina, director of the Corporación para la Educación y Autogestión Ciudadana (CEAC), a human rights NGO in Barranquilla, department of Atlántico was reportedly intercepted by two armed men who threatened to kill him if he did not discontinue his work with internally displaced persons and students in the University of Atlántica. The two men also mentioned Luis Felipe Flores, director of another human rights NGO, Fundación para el Estudio de las Ciencias Sociales (FUNPECIS). The facts of the case suggest that the perpetrators are members of an organized group of contract killers who may have paramilitary links. As a result of the threat, both individuals have been forced to abandon their human rights work in Barranquilla and have been displaced in other cities in Colombia.

104. Armando Achito, an Embera indigenous leader from the municipality of Juradó, department of Choco, was killed on 25 December 2000 by armed men, allegedly members of paramilitary groups, in his own house in Juradó. Mr. Armando Achito had taken part in several procedures claiming land, food and health for those communities. After the massacre of three indigenous persons by alleged paramilitaries, he had been displaced to Juradó on 8 August 1999.

Apparently the local authorities had suggested that he move to Bahia Solano, so that he could be provided with the necessary protection. However, this removal did not, reportedly, prevent him being killed.

105. Pedro Varón, teacher and Fiscal of the executive board of the Central Unitaria de Trabajadores workers (CUT), department of Tolima, has reportedly been subjected to acts of pursuit and threats against his life, allegedly committed by paramilitaries, which, according to the information received, forced him in April 2001 to flee the region, to give up his union work and to leave his family.

106. Evert Encizo, a teacher and director of the "La Reliquia" school and leader of the displaced people in the settlement of the same name in the town of Villavicencio, was killed on 19 August 2001 by two strongly armed men who entered his house and shot him. In this incident, two other people, Mrs. Marleny Coronado Gomez, deputy president of the "Junta de Acción Comunal" of this settlement, and a child, were reportedly injured.

107. According to the information received, Marino Cordoba, President of the Association of Displaced Afro-Colombians, (ASFRODES), received threatening phone calls, allegedly from paramilitaries, at the headquarters of the organization in March 2001. ASFRODES deals mainly with the defence of the rights of Afro-Colombians and displaced people. Previously, Mr. Cordoba had reportedly been the victim of attempts on his life in 2000 and had received several death threats since he moved in January 1997 from the department of Choco to Bogotá.

Trade unionists

108. In the period January-October 2001, 112 trade unionists were assassinated, and 65 disappeared/were abducted, a significant increase in repressive action against trade unionists considered as military targets. Moreover, 23 trade unionists were the victims of aggression during the same period. Members of paramilitary groups have been accused of being responsible for most of these violent deaths.

109. Geraldo Gonzalez, Secretary for Agrarian and Indigenous Affairs of the Centr.! Unitaria de Trabajadores (CUT), also president of the small farmers' trade union in Cundinamarca, was reportedly constantly subjected to threats against his life during 1999 and 2000. For instance, his name was included in a document given to the CUT, which announced a plan of extermination of trade union leaders. His family has also been seriously affected.

110. On 19 September 2000, two unknown armed strangers reportedly fired several shots at Ricardo Herrera, Secretary-General of the trade union SINTRAEMCALI and Omar de Jesús Noguera, a trade union employee, on their arrival at Mr. Herrera's home in the Junin neighbourhood of Cali, Valle de Cauca. Mr. Noguera, who was wounded during the attack, died on 23 September 2000. He had spoken out against corruption and participated as a trade union member in mobilization activities against the privatization of EMCALI. The chairman of SINTRAEMCALI, Mr. Alexander López Amaya, was forced to leave the country in September 2000 after receiving repeated death threats and after being chased by hired assassins.

111. Wilson Borja, president of the National Federation of State Workers (FENALTRASE) and a peace activist, was reportedly the victim of an armed attack on 15 December 2000. It was reported that he had previously lodged a complaint with the Regional Attorney of Bogotá concerning the death threats he had been receiving by telephone and in letters. Mr. Borja is also member of the Civil Society Negotiation Commission, whose aim is to help create a free zone in the Bolivar and Antioquia regions in order to begin peace talks with the National Liberation Army (ELN).

112. Orlando Ospina Loaiza and Carlos Alberto Florez, vice-president and secretary-general of the Trade Union of Public Service Workers and Employees (SINTRAEMSDES) in Pereira reportedly received a condolence card, on 12 February 2001 sent by the AUC.

113. Jaime Alberto Duque Castro, president of the trade union of workers of Cementos El Cairo (SUTIMAC), was allegedly detained on 24 March 2001 by AUC paramilitaries. He was released without injuries on 5 April 2001.

114. Gustavo Soler Mora, president of the workers of the multinational Drummond company and president of the national Mining and Energy Trade Union (SINTRAMINERGETICA), was found dead on 7 October 2001 in Rincon Hondo, in the municipality of Chiriguana The day before, he was reportedly forced by armed men to get off the bus in which he was travelling from Valledupar to Chiriguana to get into a minibus.

Communications received

115. In a letter dated 16 March 2001 the Government of Colombia replied to the communication of 13 February 2001 relating to alleged acts committed by a self-defence group against the Women's Popular Organization (OFP) in Barrancabermeja. The Government asserted that a preliminary inquiry was made on the day of the events, but an official order for an investigation had still not been given. The Social Solidarity Network set up by the Office of the President of the Republic had organized a system of care for displaced persons, in which the specific case of that organization was included. The Government added that investigations had also begun into the threats against Mrs. Flor Maria Cañas and other members of the organization, but they were still at the stage of gathering evidence.

116. In a letter dated 20 March 2001, the Government provided information on official communication No. 1247/DAS.D of 6 March 2001, by which the Director of the Administrative Department for National Security reported that the necessary steps had been taken to neutralize and prevent any action by outlawed groups against the civilian population.

117. In letters dated 10 April and 28 May 2001, the Government of Colombia replied to the Special Representative's communication of 6 February 2001. The Government stated that a preliminary inquiry into Mrs. Olga Liliana Velez's complaint alleging death threats against herself, her husband, Oscar Rodas Villegas, and her family had begun. As a result, several pieces of evidence had been examined and an investigation had been initiated to determine who had committed the offences in question. However, it had not yet been possible to reach any conclusion. The Government reported on 28 May 2001 that the Public Prosecutor's Office,

Criminal Courts Division 99 had ordered an investigation into the alleged death threats against Oscar Rodas Villegas and Olga Liliana Velez and that they were still examining the evidence and establishing the identity of the culprits.

118. In letters dated 10 April, 22 May and 5 October 2001 the Government of Colombia replied to the Special Representative's communication of 9 March 2001 regarding the Women's Popular Organization (OFP). Yolanda Becerra's statement about the threats against Flor Maria Cañas indicated that she had not received any more such threats. In its letter dated 22 May 2001, the Government stated that Mrs. Yolanda Becerra, chairperson of the OFP, had rejected the protection offered to her as being against the principles of her organization. In its letter of 5 October 2001, the Government reported that the Attorney-General's Office had taken several steps, such as devising a protection and prevention strategy, and appointing two human rights consultants, as soon as it learnt of the violence against OFP members and of the pressures on them, and was beginning a preliminary investigation of members of the Public Prosecutor's Office headquartered in Barrancabermeja for having released the person who had allegedly threatened a legal representative of OFP in the name of the AUC. The Inter-American Commission on Human Rights, for its part, was investigating the same events and on 26 May 2000 had ordered precautionary measures for several OFP members at their head office in Barrancabermeja. The Government said that several investigations were being conducted by the Public Prosecutor's Office. On 2 August 2001, the Sub-Commission on Protection and Security held a meeting to decide what had to be done to ensure that the meeting on the International Mobilization of Women, from 14 to 17 August 2001, could proceed normally. Yolanda Becerra, the legal representative of OFP, said that, according to an intelligence report apparently received by the Fifth National Army Brigade, paramilitary groups once again intended to assassinate her, because they considered it an affront that, far from leaving the Magdalena Medio area, she had opened a new OFP office in Bogotá. The Attorney-General's Office was supporting OFP in connection with the International Mobilization of Women meeting by maintaining constant communication with members of the security forces during the event in order to counter attempts by suspected AUC members to hinder the proceedings.

119. In a letter dated 14 June 2001, the Government of Colombia replied to the Special Representative's communication of 2 April 2001, providing information about alleged death threats against Mr. Alirio Uribe Muñoz, president of the José Alvear Restrepo Lawyers' Association and vice-president of the International Human Rights Federation, and said that investigations were being carried out to clarify the facts and to identify the guilty parties.

120. In a letter dated 27 June 2001, the Government replied to the communication of 22 February 2001 and provided information on the alleged death threats against Omar Vera Luna, Andres Aldana and Angel Miguel Solano. It transmitted a report by the Santander National Police in which it was mentioned that Father Francisco de Roux together with other bishops and a lady had appeared at the police station stating that members of the Self-Defence Group had gone to the home of Mr. Omar Vera Luna to force him under threat to sign a commitment. He and his family were then forced to accompany them forthwith to the demonstrations against the pull-back zone at the place known as Y in Barrancabermeja. It was for that reason, that it had been decided to remove Mr. Vera Luna from the crowd of protesters and take him back home. However, the threats from the Self-Defence Group had continued and

constant vigilance was required on the part of the Navy. Moreover, Mr. Angel Miguel Solano reported to the authorities that he had been forced by the community to attend the demonstrations, though not under threat. The Government would communicate the results of the relevant investigations.

121. In a letter dated 27 June 2001, the Government replied to the communication of 11 June 2001, providing information about the alleged disappearance of the leader and spokesman of the Embera Katio community, Mr. Kimi Dominico. The Government asserted that on 5 June the Second Specialized Prosecutor's Office in Montería had opened an investigation into the alleged aggravated kidnapping for ransom and other crimes against the above-mentioned person, who had reportedly been kidnapped by three individuals on two motorcycles. In addition, an order had been given to raid and search the "el Cairo" estate. It was executed on 5 June 2001, but without result. The Government would report on the results of the investigations.

122. In a letter dated 28 June 2001, the Government replied to the communication of 15 June 2001 and reported that the Public Prosecutor's Office had initiated preliminary investigations into the alleged death threats against Mrs. Astrid Manrique Carvajal and her family. It also pointed out that the alleged victim had submitted a complaint to the Rapid Reaction Unit (URI) about "acts that she felt were attacks on her personal integrity". The same complaint had been submitted to the Military Court of Criminal Investigation. An investigation was also being carried out concerning damage to the property of others.

123. In a letter dated 2 July 2001, the Government of Colombia replied to the communication of 15 June 2001. In regard to the alleged death threats against Mrs. Islena Ruiz, a member of the Meta Civic Committee for Human Rights, and the murder of the brothers Humberto and Gonzalo Zárate Triana and of Dr. Josué Giraldo Cardona, it asserted that the General Directorate of Human Rights in the Ministry of the Interior and the Administrative Department for National Security had adopted a large number of security measures to protect Mrs. Islena Ruiz. With regard to the murder of Dr. Josué Giraldo on 13 October 1993, the circumstances in which it was committed had been established and it had been concluded that the motive was his political opinions and beliefs. As for the murders of Mr. Gonzalo and Mr. Humberto Zárate Triana, the Prosecutor's Office concerned reported that an investigation was under way. The Government would report in due course on the results of the investigations.

124. In a reply dated 5 July 2001, the Government reported on the alleged threats and attacks against the premises of the Regional Corporation for the Defence of Human Rights (CREDHOS) and its members, particularly Mr. Iván Madero and Mr. José Guillermo Larios. It stated that they were not in the city mentioned, as they were in a "soft" protection programme run by the Ministry of the Interior that involved removing them from that place. In addition, the other members of the Corporation were all covered by different protection programmes.

125. In a letter dated 10 July 2001, the Government replied to the communication of 12 June 2001 and provided information about the alleged death threats against Mr. Carlos Arbey González, leader of the University Workers' and Employees' Union of Colombia (SINTRAUNICOL), and the alleged disappearance of Mr. Gilberto Agudelo, stating that

Mr. Carlos Arbey was covered by a protection programme and had an escort and a vehicle, and enjoyed increased security measures. It added that no record could be found of Mr. Gilberto Agudelo's disappearance.

126. In a letter dated 24 August 2001, the Government of Colombia replied to the communication of 24 July 2001 and reported on the foiled attempt to kill Mr. Hernando Hernández Pardo, vice-president of the Trade Union Confederation (CUT) and president of the Workers' Trade Union (USO), which occurred on 6 July 2001. It stated that the Administrative Department of National Security had begun operating a protection and security system, which could be strengthened without prejudice to the relevant precautionary measures.

127. In letters dated 24 August and 28 September 2001, the Government replied to the communication of 29 June 2001 and provided information about the foiled attempt to kill Mrs. María Emma Gómez de Perdomo, a member of the National Trade Union of Health Sector Workers (ANTHOC), and her daughter Diana Perdomo, stating that the Public Prosecutor's Office was conducting a preliminary investigation to identify those responsible. It was also investigating threats against some of the staff of the Juan de Dios hospital in Honda, members of the ANTHOC trade union, it being clear that Mrs. Gómez Perdomo was not among those mentioned as being concerned. The Government would report in due course on the results of the investigations.

128. In a letter dated 4 September 2001, the Government of Colombia replied to the Special Representative's communication of 12 July 2001 and reported on the alleged death threats against several members of the José Alvear Restrepo Lawyers' Association, stating that a meeting had been held with all the competent authorities to determine institutional responsibilities. It was decided at the meeting that the Ministry of the Interior would take preventive measures in respect of individuals and that the Vice-President's Office would be responsible for political measures. As a result, several meetings had been held to speed up procedures for dealing with the requests of petitioners in the case, particular importance being attached to the consultation of intelligence archives. Since the matter was before the Inter-American Commission on Human Rights, the Government wished to close the case.

129. Por carta fechada 6 de diciembre de 2001, el Gobierno de Colombia informó a la Representante Especial sobre la destrucción del dispensario "Casa de la Mujer", caso enviado el 13 de noviembre de 2001. El Gobierno señaló que el caso se encuentra sometido a examen en la Comisión Interamericana de Derechos Humanos, motivo por el cual se informó acerca de las medidas cautelares ordenadas por el Gobierno a favor de la OFP. Al respecto, el Gobierno señaló que el 11 de octubre de 2001 se llevó a cabo una reunión con el Grupo de Trabajo ad hoc, con el fin de acordar medidas de protección destinadas a la OFP. Las entidades responsables de estas medidas son el Ministerio del Interior, la Fiscalía General de la nación, la Policía Nacional, la Procuraduría General de la nación y la Vicepresidencia de la República. En el marco de la política gubernamental de derechos humanos y derecho humanitario, se tiene previsto la conformación de comisiones intersectoriales a nivel regional que tienen como propósito acordar medidas y acciones que contribuyan a mejorar la situación de los derechos humanos en las regiones. El Programa Presidencial para los Derechos Humanos y el Derecho Internacional Humanitario ha participado en las reuniones, eventos, foros y otros que tengan relación con el trabajo de la OFP en la región, acompañándolos y coordinando con el Ejército Nacional y la

Policía Nacional las gestiones necesarias para evitar que se presenten hostigamientos por parte de los grupos armados al margen de la ley, que rechazan las actividades de la organización. Se tomó contacto directo con la Sra. Yolanda Becerra, representante de la OFP, con el objeto de verificar cualquier tipo de información o acción de cualquier agente que represente un riesgo o amenazas contra las personas o instalaciones de esta organización no gubernamental.

Observations

130. The Special Representative is grateful to the Government of Colombia for its prompt replies to her communications. Following the request to visit Colombia sent by the Special Representative on 20 February 2001, an official invitation was extended to her by the Government of Colombia on 31 August 2001. In this regard, the Special Representative would like to refer to the report on her visit to Colombia (from 23 to 31 October 2001) submitted separately to the Commission at the present session (E/CN.4/2002/106/Add.2)

CROATIA

Communication sent

131. On 4 January 2001, the Special Representative, together with the Special Rapporteur on Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions sent an urgent appeal regarding Mr. Srdj Jaksic, a prominent human rights lawyer, who was the subject of an assassination attempt by three masked men on 30 December 2000 outside his home in Dubrovnik. Mr. Jaksic was reportedly seriously wounded and sustained injuries to his abdomen and his arm, requiring surgery and continued hospitalization. The next day, 31 December 2000, his wife and eight-year-old daughter were reportedly also attacked by an unknown assailant. It was alleged that these attacks are in connection to Mr. Jaksic's work. Mr. Jaksic is a well-established attorney and during the past decade, has worked on numerous cases of great importance for the protection of human rights in Croatia. Mr. Jaksic has also reportedly been involved in some property cases that have led to the eviction of Croatian policemen from Serb-owned homes occupied during the war. It has also been reported that the Dubrovnik police have done little to investigate these attacks and have not provided effective security to the Jaksic family.

Communications received

132. By letter dated 12 January 2001, the Government ensured the Special Representative that the relevant Croatian authorities had taken all the necessary measures in order to apprehend the perpetrators of this criminal act. The scene of the crime had been examined, as well as all potential evidence, and a special group of criminal investigators had been established by the Dubrovnik Police Department and the Criminal Investigation Department of the Ministry of the Interior in order to solve this case. The Government was ensuring that the Ministry of the Interior continued to take adequate steps in order to protect the life and physical integrity of Mr. Jaksic and his family. The Government also informed the Special Representative that several amendments to the Law on Courts had been recently adopted in order to enhance the security of judicial professionals.

Observations

133. The Special Representative thanks the Government for its prompt response. The Special Representative appreciates the Government's assurances of additional laws for the better protection of lawyers. She will study these laws with interest and will continue to assess their impact on the situation of human rights defenders. She would like to be kept informed on Mr. Jaksic's case and looks forward to receiving further information from the Government on the progress of investigation in this case and on the prosecution of the assailants, when identified.

CUBA

Communication sent

134. On 14 September 2001, the Special Representative, together with the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal regarding Mr. Leonardo Bruzón Avila, who was reportedly arrested on 5 September 2001 after he set up an independent video library for children in the capital, Havana. According to the information received, Mr. Leonardo Bruzón Avila is president of the 24 February Human Rights Movement named for the date in 1996 on which two planes belonging to a Cuban exile group were shot down by the Cuban Air Force. He reportedly named the library, in his home in Havana, "The 24 February Library". It has been reported that the authorities issued a warrant for his arrest and the eviction of him and his family. The source indicates that previously Mr. Leonardo Bruzón Avila was repeatedly detained and harassed. On 3 December 2000, he and other dissidents were reportedly detained to prevent them taking part in a demonstration to celebrate Human Rights Day. It has been further reported that Mr. Leonardo Bruzón Avila is now held at a police detention centre, the Technical Investigations Department, in Havana. As yet, no charge has been brought against him.

Communications received

135. On 18 January 2001, the Government sent a reply to a note verbale sent by the Special Representative on 10 October 2000 (see report of the Special Representative to the Commission on Human Rights E/CN.4/2001/94, paras. 54-55). The Government of Cuba thanked the Special Representative and appreciated the desire that she expressed to carry out the mandate assigned to her on the basis of a fully open and transparent dialogue with States. It noted that the financing of non-governmental organizations should follow a clear pattern of transparency and be conducted responsibly and fully in keeping with the legislation in force in each country. The Government further stated that it could not accept manipulation of the theme of human rights in order to try to justify the financing of activities which were clearly incompatible with the purposes and principles enshrined in the Charter of the United Nations. Although Cuba shared the Special Representative's criterion that States are above all the guarantors of the rights of their citizens, it reasserted its conviction that, in a classic State-citizen relationship, States in a globalized and interdependent world can themselves take on the role of defenders of the human rights of their citizens vis-à-vis the influence of external agents such as other States or agents, particularly transnational corporations. The Government stressed that it guaranteed the fullest realization of and respect for all human rights of its citizens to the extent of the resources and possibilities available to it. Finally, the Government reiterated its desire to cooperate with the Special Representative in carrying out her mandate.

Observations

136. The Special Representative awaits a reply on the case of Mr. Bruzón Avila.

DEMOCRATIC REPUBLIC OF THE CONGO

Communications envoyées

137. Le 22 février 2001, la Représentante spéciale a envoyé un appel urgent conjointement avec le Rapporteur spécial sur la torture concernant Golden Misabiko, Président de l'Association africaine des droits de l'homme (ASADHO) - section du Katanga, qui aurait été arrêté le lundi 5 février 2001. Selon les informations reçues, il aurait été enlevé par deux hommes en civil qui appartiendraient à l'Agence nationale de renseignements (ANR) alors qu'il allait chercher sa fille à l'école dans la commune de Lubumbashi. Le motif de son arrestation n'a pas été rapporté mais serait lié à ses activités de défenseur des droits de l'homme. Golden Misabiko serait détenu au centre de détention dit du Groupe Litho Moboti (GLM), qui serait dirigé par les services de sécurité spéciale du Président.

138. Par un appel urgent daté du 16 mai 2001, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la République démocratique du Congo et le Président-Rapporteur du Groupe de travail sur la détention arbitraire, a informé le Gouvernement qu'elle avait reçu des renseignements concernant la situation de deux membres de l'ASADHO, M^lle^ Jeanne Bilonda et M. Hubert Tshiswaka. Le 14 mai 2001, M^lle^ Jeanne Bilonda et M. Hubert Tshiswaka auraient été arrêtés à Lubumbashi (province du Katanga) à leur bureau avant d'être conduits à la Direction provinciale de l'ANR, où ils auraient été détenus. Selon les informations reçues, aucun mandat d'arrestation n'aurait été présenté et aucun motif d'arrestation invoqué. Selon les informations reçues, ces deux personnes auraient été arrêtées en raison de leurs activités dans le domaine de la promotion et de la protection des droits de l'homme.

139. Par un appel urgent daté du 8 juin 2001, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la République démocratique du Congo et le Président-Rapporteur du Groupe de travail sur la détention arbitraire, a informé le Gouvernement qu'elle avait reçu des renseignements concernant l'arrestation de M. N'Sii Luanda, Président du Comité des observateurs des droits de l'homme (CODHO), une organisation de défense des droits de l'homme dont le rôle est de porter assistance aux personnes incarcérées. Selon les informations reçues, M. N'Sii Luanda aurait été interpellé le 5 juin 2001 par des éléments des services de sécurité. Il aurait été acheminé à la Direction générale de l'ANR, dans la commune de la Gombe, où il aurait été détenu. Selon les informations transmises, le Président du CODHO avait dû se rendre les 2 et 4 juin 2001 à la Détection militaire des activités antipatrie (DEMIAP-extérieure), où il aurait été interrogé sur les activités de son organisation. Il serait reproché à M. N'Sii Luanda d'être en contact avec des suspects qui porteraient atteinte à la sûreté de l'État. Le Président du CODHO n'aurait par ailleurs pas eu accès à un avocat depuis son arrestation.

140. Le 15 juin 2001, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la République démocratique du Congo, a transmis un appel urgent concernant M. Robert Ilunga Numbi, Président de l'organisation «Les Amis de Nelson Mandela pour la défense des droits de l'homme» (ANMDH). Selon les informations reçues, le 15 juin 2001, deux individus se seraient

présentés au domicile de M. Ilunga Numbi, à Kinshasa, et l'auraient contraint à les suivre. Le Président de l'ANMDH aurait par la suite été conduit au Conseil national de sécurité. Le motif de son arrestation demeure inconnu. Par ailleurs aucun mandat d'arrêt n'aurait été présenté.

141. Par un appel urgent daté du 17 août 2001, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la torture, le Rapporteur spécial sur la République démocratique du Congo et le Président-Rapporteur du Groupe de travail sur la détention arbitraire, a informé le Gouvernement qu'elle avait reçu des renseignements concernant l'arrestation et la détention au secret de Constant Thsibadi Matambwa Kadinga, président local des Forces novatrices pour l'union et la solidarité (FONUS), parti politique d'opposition, et des menaces d'arrestation contre son épouse, M^me^ Edonbo Kalombo Maguy. Selon l'information reçue, le 28 juillet 2001, une vingtaine de policiers auraient arrêté M. Kadinga à son domicile de Kinshasa sans mandat d'arrêt. Ils lui auraient présenté des tracts appelant à une marche pour la paix et la solidarité en soutien au «dialogue intercongolais» organisé par cinq partis d'opposition politique, qui devait se tenir le 30 juillet 2001 à Kinshasa/Gombe. Selon les informations reçues, sa maison serait sous la surveillance de policiers depuis que M^me^ Ebondo Kalombo Maguy aurait donné un entretien à Radio France Internationale le 1^er^ août, dans lequel elle relatait les circonstances de l'arrestation de son mari. Des craintes ont été exprimées quant au fait qu'elle pourrait être arrêtée à tout moment en représailles à l'action qu'elle mènerait en faveur de son mari. À la suite de cet entretien radiophonique, M. Kadinga aurait été transféré le 2 août au sous-commissariat de Selembao, où il resterait détenu jusqu'à ce jour dans des conditions d'hygiène déplorables et sans être autorisé à recevoir de visites.

Observations

142. La Représentante spéciale regrette qu'aucune réponse du Gouvernement n'ait été reçue jusqu'à ce jour. Elle se félicite néanmoins de la libération le 20 juin 2001 de M. Robert Ilunga Numbi, de la libération le 7 septembre 2001 de M. N'Sii Luanda, ainsi que de la libération le 13 septembre 2001 de Golden Misabiko.

DOMINICAN REPUBLIC

Communications sent

143. On 20 July 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal regarding Father Pedro Ruquoy, a Belgian citizen and a permanent resident of the Dominican Republic, and a defender of the rights of Haitian refugees and workers in the Dominican Republic. He reportedly received anonymous threats on 18 February 2001, sent to him on postcards. It was alleged that this followed the publication of an article written by him denouncing the massive arrests and deportations of Haitians, as well as of Dominicans of Haitian origin. In addition, on 14 April 2001, an armed unidentified man, who claimed to be a member of the Dominican army, reportedly entered Father Ruquoy's house and threatened to kill him with a knife. According to the information received, Father Ruquoy reported these facts to the police, but no detention order has been issued.

Communications received

144. By letter dated 2 October 2001, the Government of the Dominican Republic informed the Special Representative that Father Ruquoy was being given police protection and that the competent authorities would conduct a thorough investigation into the threats received by him.

Observations

145. The Special Representative thanks the Government for its reply.

ECUADOR

Communications sent

146. On 3 April 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal regarding members of the human rights organization QUITOGAY and of the lesbian, gay, bisexual and transgendered (LGBT) community, who reportedly received an e-mail on 23 March 2001 in the QUITOGAY office in Quito mentioning that "a total social cleansing in all the QUITOGAY sector" was going to be carried out. Although the threat was directed to QUITOGAY and to LGTB people in Quito, the message allegedly referred to a "social cleansing of the whole country". These threats came at a time when police officers had allegedly tortured and threatened to kill LGTB people.

147. On 25 July 2001, the Special Representative sent an urgent appeal regarding Mr. Alexis Ponce, national spokesperson of the Asamblea Permanente de Derechos Humanos del Ecuador, who was the victim of harassment by police officers in Quito airport on 22 July 2001 and forced to abandon attending a conference due to take place in Spain. Previously, in 1999, Mr. Alexis Ponce was reportedly seriously threatened in retaliation for the active role he plays in the field of human rights and to have received anonymous threatening phone calls.

148. On 6 August 2001, the Special Representative sent an urgent appeal, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, regarding a number of Ecuadorian human rights organizations which reportedly received death threats via e-mail on 30 July 2001. The e-mail was addressed to the Fundación Regional de Asesoría en Derechos Humanos (INREDH) and copied to Frente Ecuatoriano de Derechos Humanos (FEDHU), Comité Andino de Servicio (CAS/AFSC) and Servicio de Paz y Justicia (SERPAJ). The e-mail specifically mentioned the names of Mr. Pablo de la Vega, coordinator of the Centro de Documentación en Derechos Humanos "Segundo Montes Mozo SJ", Ms. Elsie Monje, Director of the Comisión Ecuménica de Derechos Humanos (CEDHU), Ms. Ines Espinoza, Ms. Teresa Orrego, Ms. Yanet Yanez and Mr. Jhonny Jiménez, President of SERPAJ. It was alleged that the message called human rights defenders drug traffickers and accused them of organizing ideological centres financed by Cuba, China and Russia. It has been further reported that the threat was reportedly directed at the entire human rights community in Ecuador. According to the information received, those responsible for these acts are members of a newly created paramilitary organization named Legión Blanca.

Observations

149. The Special Representative regrets that no reply from the Government has been received so far.

EGYPT

Communications sent

150. On 11 January 2001, the Special Representative sent an urgent appeal regarding Law 153 of 1999, "Law on Civil Associations and Institutions". This law was allegedly found to be null and void for procedural reasons by the Egyptian Supreme Constitutional Court on 3 June 2000. According to the source, the Government intended to reintroduce the law in accordance with the constitutional requirements. It was alleged that Law 153 of 1999 violated the right to freedom of opinion and expression and the right to peaceful assembly as guaranteed by various international instruments. Several of its articles were allegedly hampering or prohibiting the work of NGOs in their function as human rights defenders. Concerns have also been expressed regarding sanctions against individuals who engage in human rights work without the approval of the Government.

151. On 15 January 2001, the Special Representative sent an urgent appeal concerning Saadeddin Ibrahim, an independent human rights activist, professor of Political Sociology at the American University in Cairo and director of the Ibn Khaldoun Centre for Development Studies. On 30 June 2000, the State security investigation bureau allegedly arrested him and some of his documents were confiscated. At the same time, another force from the state security investigation bureau reportedly raided the Ibn Khaldoun Centre and the Women's Voters' Support Centre and confiscated a number of account files, computer disks, computers, pamphlets and a safe. Mr. Ibrahim and 27 other individuals reportedly faced charges ranging from accepting foreign funds without government authorization to compiling false reports about domestic conditions. Concern has been expressed that if found guilty, Mr. Ibrahim may be sent to jail for 15 years. It has been alleged by the source that the case against Mr. Ibrahim was "fabricated" and "politically motivated" since the charges reportedly resulted from his work as a human rights defender and his intention to set up a watchdog committee to monitor parliamentary elections.

152. On 18 May 2001, the Special Representative sent another urgent appeal concerning Saadeddin Ibrahim. According to the sources, Saadeddin Ibrahim's defence counsel had been denied copies of the documents containing the prosecution's case, and was only allowed to see these documents for three hours in April 2001. It was reported that the prosecution's case had almost 300 pages, and therefore Mr. Ibrahim's lawyers could not adequately prepare their defence. According to the information received, Saadeddin Ibrahim has been charged under article 80 (d) (1) of the Penal Code with "disseminating tendentious rumours with the purpose of undermining Egypt's reputation". It was reported that this matter is being brought before a Supreme State Security Court, whose verdicts can only be challenged before the Court of Cassation on procedural grounds, but not before a higher appeal court on the substance of the case. It was further reported that some of the charges against Saadeddin Ibrahim, in particular

those alleging the acceptance of foreign funds without government authorization, relate to projects funded by the European Commission aimed at promoting participation in the elections.

153. On 22 May 2001, the Special Representative sent an urgent appeal, jointly with the Special Rapporteur on the independence of judges and lawyers, concerning the conviction on 21 May 2001 of Saadeddin Ibrahim to seven years imprisonment. It is further reported that 27 co-defendants, most of whom are members of the Ibn Khaldoun Centre or the Egyptian Women Voters' Support Centre, received prison terms ranging from one to seven years. According to the information received, the charges against Saadeddin Ibrahim relate entirely to his activities as a human rights defender. On 25 May 2001, the Special Representative, jointly with the Special Rapporteur on the independence of judges and lawyers, issued a press release in which they expressed their deep concern to the Government of Egypt over the trial and conviction of Saadeddin Ibrahim and 27 co-defendants by the Supreme State Security Court on 21 May 2001.

154. On 6 June 2001, the Special Representative, together with the Special Rapporteur on violence against women and the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal regarding Nawal El Saadawi, a writer and eminent defender of women's rights. According to the information received, legal proceedings have been launched in order to annul on the grounds of apostasy the 37-year marriage of Nawal El Saadawi and her husband, Sheriff Hetata, reportedly on the basis of an interview with Nawal El Saadawi published by the Egyptian weekly newspaper "Al Midan" on 6 March 2001, according to which she was critical of certain religious practices. It has been reported that Ms. El Saadawi's statements, which related to historical facts and to her views on the wearing of the veil by women, polygamy and the inequality of women with regard to inheritance law, were misquoted by the newspaper. According to the source, a lawyer named Nabih El Wahch lodged a complaint before the General Prosecutor and the Cairo Court for Personal Status Affairs, accusing her of contempt of Islam and asking for her separation from her husband.

155. On 8 August 2001, the Special Representative sent an urgent appeal concerning the alleged harassment of Mrs. Sammah Hamid Ali and of members of her family by the Egyptian police in Helwan. According to the information received, they have been the target of a series of abuses, including threats, beatings, arbitrary arrests and detention, committed by members of the Helwan police investigation station. Fears have been expressed that these incidents have been motivated by Mrs. Hamid Ali's involvement in the ongoing trial of the policeman accused of having tortured to death her husband, Mr. Fathi Abd El Monem, in the Helwan police station in 1994. For instance, on 4 May 2001, the police reportedly went to Mrs. Hamid Ali's house in order to arrest her and confiscated pieces of furniture and ordered the men to take off all of their clothes except their underwear. The police reportedly took Mrs. Hamid Ali to her son's house, where they arrested him, ordered him to strip down to his underwear and made Mrs. Hamid Ali and her son walk down the street without their clothes on, in order to humiliate them. According to the information received, Mrs. Hamid Ali visited the Helwan prosecutors' office on 12 May, in order to register a complaint about the aforementioned abuses. She was told to return the following day, at which time the prosecutor ordered her to go to the police station, in order to retrieve some of the items confiscated from her home by the police. However, when she went to the police station, the prosecutor's order was ignored and she was detained at the police station for three days, until 15 May.

156. On 10 August 2001, the Special Representative transmitted an allegation jointly with the Special Rapporteur on torture regarding Carsten Jurgensen, a researcher at the International Secretariat of Amnesty International in London. He was reportedly assaulted by four plainclothes men, believed to have been security police officers or to have been acting with the complicity of security police officers. This occurred when he was visiting the polling station of the Khalid Ben al-Walid school in the parliamentary election district of Shubra al-Khaima/Da'irat al-Ula on 14 November 2000 as part of a fact-finding mission to Egypt. His belongings, including a video camera, were said to have been initially seized but were later returned to him, with the exception of his mobile phone, videotape and camera film.

Communications received

157. By letter sent on 19 January 2001, the Government replied to the urgent appeal sent on 15 January 2001. The Government stated that the details of the Professor Ibrahim's court case were public knowledge, that the hearings were being conducted with transparency, and that a number of local and international observers were being allowed to witness the proceedings. The Government informed the Special Representative that Professor Ibrahim was being tried by a court of law which comprised independent civil judges, and its verdict could be appealed.

158. By letter of 19 July 2001 the Government replied to the urgent appeal sent jointly on 22 May 2001, with the Special Rapporteur on the independence of judges and lawyers. The Government asserted that the Supreme State Security Court consisted of civilian judges who enjoyed full independence and that all accused persons had the right to appeal against procedural or substantive aspects of a judgement. The Government informed the Special Representative that the charges against Dr. Saad ed-Din Ibrahim were: receipt of funds from foreign bodies without obtaining authorization from the competent authority; criminal conspiracy with a view to bribery and appropriation, by deception and fraudulent means, of an amount of money belonging to the European Union through the presentation of falsified documents designed to mislead the Union into believing in the existence of a bogus project. The Government stated that none of the charges brought against Dr. Saad ed-Din Ibrahim were of a political nature or related to his right to freedom of opinion and expression. According to the Government, all the litigation procedures had been observed, the defence had had free and full access to all the documents in the case file and all the witnesses called by the defence had been summoned. The Government added that the court had had almost a full year in which to study the case file. The Government informed the Special Representative that no executive authority had the right to order the release of Dr. Saad ed-Din Ibrahim before a court judgment had been handed down.

159. By letter of 21 August 2001, the Government replied to the allegation transmitted jointly with the Special Rapporteur on torture on 10 August 2001. The Government stated that Mr. Carsten Jurgensen had failed to draw up a report on the incident, which made its follow-up difficult in the absence of a written statement confirming the injuries, describing the assailants and indicating whether the persons present at the time were members of the police, so that they could be called to account, or whether their task was confined to supervision of the delivery of the ballot boxes. The Government affirmed that if Mr. Jurgensen had drawn up a report, it would have been possible to pursue the investigation and apprehend and prosecute the assailants

if he had so desired. The Government stated that if Mr. Jurgensen had notified the Egyptian authorities of his intention to visit the electoral commissions, a special guard would have been assigned to protect him.

160. By letter of 23 August 2001, the Government replied to the urgent appeal sent on 8 August 2001 concerning the case of Mrs. Sammah Hamid Ali. The Government affirmed that Mrs. Sammah Hamid Ali was the mother of a citizen called Yassir Fathi El Bab Abd El Monem Sha'ban who had previously been indicted on 18 counts of theft and affray and who had recently assaulted a citizen by the name of Abd El Rahman Awd Timam. According to the Government, the Helwan police, acting on a warrant issued by the Department of Public Prosecutions, arrested Yassir Fathi El Bab Abd El Monem Sha'ban, who confessed to the crime. The Department of Public Prosecutions ordered that he should be detained pending further investigation. The Government stated that the inquiries showed that the allegations which Mrs. Sammah Hamid Ali had made against the Helwan police were totally unfounded and that she had made those complaints in order to discredit police officers in the hope of preventing legal action being taken against her son.

Observations

161. The Special Representative thanked the Government of Egypt for the detailed replies provided. Despite the fact that no reply from the Government was received concerning the case of Ms. Nawal El Saadaoui, the Special Representative had been informed that on 30 July 2001 the case was dismissed for procedural reasons. The Special Representative would like to be kept informed of the latest developments concerning the case of Mrs. Sammah Hamid Ali. Furthermore, the Special Representative would like to express particular concern over the case of Dr. Saad ed-Din Ibrahim and his 27 co-defendants, particularly at the use of the State Security Court instead of courts of ordinary jurisdiction, the limited access for defence lawyers to prosecutorial documents and the speed with which the verdict was reportedly reached. The Special Representative considers that the conviction of these members of civil society for their human rights activities will have a chilling effect on the activities of other human rights defenders in Egypt. The Special Representative notes, with particular concern, the use of laws that could restrict access to resources for the promotion and protection of human rights and could be used for penalizing human rights defenders for soliciting, receiving and utilizing funds for this human rights activity. Finally, the Special Representative recalls that, in a letter dated 27 April 2001, she indicated her interest in visiting Egypt and hopes that the Government will give positive consideration to this request.

EQUATORIAL GUINEA

Communication sent

162. On 11 May 2001, the Special Representative transmitted an allegation to the effect that the right of association of human rights defenders in Equatorial Guinea was seriously restricted. According to the information received, a law passed in 1999 regulating the activities of NGOs and defining their possible areas of work, makes no reference to the promotion and protection of human rights. As a consequence, some people consider that any organization which aims to

promote or protect human rights is engaging in illegal activities. Furthermore, the Special Representative has been informed that human rights organizations that have applied for legal recognition are still waiting for their case to be considered by the authorities. Such applications reportedly date back to 1994. It has also been reported that as a consequence of the authorities' denial of authorization to establish human rights organizations, any defence of human rights can and is only performed exclusively by opposition parties. The Special Representative is concerned that these factors do not allow for an open dialogue within the civil society on human rights issues.

Observations

163. No reply from the Government has been received so far.

ETHIOPIA

Communications sent

164. On 17 May 2001, the Special Representative sent jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention an urgent appeal concerning Professor Mesfin Woldemariam, member of the executive committee and former Secretary-General of the Ethiopian Human Rights Council (EHRCO), and Dr. Berhanu Nega, the President of the non-governmental Ethiopian Economic Association and supporter of EHRCO, who were reportedly detained by the police on 8 May 2001 in Addis Ababa and held without charge in Makalawi State Prison. According to the information received, both were accused of "inciting students to violence" during a meeting that was hosted by Addis Ababa University on 8 April 2001. The authorities alleged that this meeting led to student protests in Addis Ababa a month earlier, while the information received indicates that the topic of discussion at the meeting was human rights and academic freedom. Furthermore, it has been reported that, on the morning of 8 May 2001, the offices of EHRCO in Addis Ababa were placed under guard by armed police officers, which made it impossible for the staff to carry out their work and which intimidated visitors. It was reported that when the staff of EHRCO came to the offices on 9 May 2001, the police informed them that the offices were shut.

165. On 18 September 2001, the Special Representative, together with the Special Rapporteur on violence against women, sent an urgent appeal regarding the Ethiopian Women Law Association (EWLA) based in Addis Ababa, which was reportedly forced to suspend its activities on 31 August 2001. It has been reported that, on 3 September 2001, EWLA received a decision from the Ministry of Justice which mentioned that EWLA "has been found out acting beyond its mandate and the Code of Conduct Guidelines" and "is hereby suspended as of 30 August 2001 until further notice". It was alleged that this decision was connected to demonstrations organized by EWLA, in February 2001, in front of the office of Prime Minister Meles Zenawi and the Parliament, in which some 1,000 women protested violence against women, calling for stricter laws against rape and sexual abuse and more effective law enforcement. According to the information received, another factor leading to the Government's decision was the involvement of EWLA in a recent case concerning a girl, Hermela Wosenyeleh, who was reportedly continually harassed by a young man and could not get adequate police protection. According to the information received, as a result of the suspension, all the activities

of EWLA have been suspended and some 50 of its employees have had to be laid off. All the casework carried out by EWLA lawyers in the courts has reportedly been interrupted. It has been further reported that four girls under the care of the association and for whom it was paying school fees have interrupted their education because its bank account has been frozen.

Communications received

166. By letter dated 25 May 2001, the Government informed the Special Representative that Professor Mesfin Woldemariam and Dr. Berhanu Nega were under police custody in connection with their suspected incitement of the Addis Ababa University students to violent action. The Government stated that the Federal Police had undertaken a thorough investigation and had discovered that Professor Mesfin Woldemariam and Dr. Berhanu Nega had made inflammatory statements inciting the students to violent action at a meeting held on 8 April 2001. According to the Government, the police had asserted that they had solid evidence that the meeting had led the students to take violent mob action, starting on the day after the meeting and resulting in the destruction of government and private property, the death of 31 individuals and injury to 253 persons. The Federal Police had detained Professor Mesfin Woldemariam and Dr. Berhanu Nega on a court warrant on 8 May 2001 and brought them before the 5th Criminal Division of the Federal High Court on 9 May 2001. The Government informed the Special Representative that the Federal High Court had refused their release on bail in order to give the Federal Police more time to investigate. The Government added that the offices of EHRCO were searched under a court order in relation to the suspected involvement of Professor Mesfin Woldemariam and Dr. Berhanu Nega in the instigation of the mob action. According to the Government, upon the appeal of EHRCO, the order was clarified by the Federal High Court on 12 May 2001, to the effect that the search and seizure were restricted to material evidence incriminating the two suspects of the act of instigating the students to take violent action. The Government assured the Special Representative that no employee of the office or any visitor had been harassed or intimidated.

Observations

167. The Special Representative thanked the Government for its reply to her communication dated 17 May 2001. The Special Representative had also been informed that on 17 October 2001 the Ministry of Justice lifted the suspension imposed on EWLA. The Special Representative also welcomed the release on bail on 5 June 2001 of Professor Mesfin Woldemariam and Dr. Berhanu Nega. The Special Representative, remained concerned, however, with regard to the situation of the two human rights defenders and about the charges on which they await trial.

GEORGIA

Communication sent

168. On 9 May 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal concerning Ms. Nana Kakabadze, the director of Former Political Prisoners for Human Rights, a human rights NGO working on prison conditions in Georgia. It has been reported that, on 4 May 2001,

Mr. Demiko Devnozashvili, chief of Isolation Ward No. 5, a pre-trial detention facility in Tbilisi, called Ms. Nana Kakabadze and threatened to "extinguish her physically". It has been reported that this situation is connected to the publication on 3 May 2001 of an interview with Ms. Nana Kakabadze in the newspaper "Alia" in which she criticized the overcrowding in Isolation Ward No. 5 in Tbilisi.

Observations

169. The Special Representative regrets that at the time of the finalization of this report the Government had not transmitted any reply to her communication.

GUATEMALA

Communications sent

170. On 8 December 2000, the Special Representative transmitted allegations regarding the following cases.

171. According to the information received, on 1 August 2000, Mr. Celso Balán Argueta, a representative for Centro de Acción Legal en Derechos Humanos (CALDH) was reportedly detained, robbed, drugged and left unconscious by two unidentified men. He was reportedly interrogated for several hours about the exhumation of the mass grave of the victims of murders at Chipastor, Chimaltenango and, in particular, about the process of identifying those responsible for these murders. It has been alleged that Mr. Balán's attackers are linked to those responsible for the murders at Chipastor and that the orders to attack him or to commit the murders may have come from army personnel at the Chimaltenango military base.

172. It has been reported that, on 4 September 2000, heavily armed men raided the offices of two human rights organizations, Familiares de Detenidos y Desaparecidos de Guatemala (FAMDEGUA) and Hijos por la Identidad y la Justicia contra el Olvido y la Impunidad (HIJOS) in Guatemala City and assaulted the staff of both organizations. It has also been reported that the assailants stayed for an hour, threatening staff members with death. The assailants reportedly stole the organizations' computers containing records of human rights cases under investigation, other office equipment and a vehicle. It has been alleged that this act of intimidation was committed by members of the Guatemalan armed forces and that military intelligence agencies were also involved.

173. According to information received, on 24 October 2000 five armed men entered the office of Asociación Mujer Vamos Adelante (AMVA), an organization working for the promotion of women's rights and against violence against women. It has been reported that 15 women were reportedly forced into a room and locked in it, and that the attackers subsequently raped a young woman before leaving. Computers and documents were also stolen.

174. On 24 January 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal regarding Mr. Mynor Melga, a high-profile human rights lawyer working for the Oficina de Derechos Humanos del Arzobispado de Guatemala

(ODHAG), who has reportedly received death threats. On 22 December 2000, two unidentified armed men called at Mr. Mynor Melga's home. Mr. Melga was ordered to the bathroom at gunpoint. The two men told his wife and his two sons that this was only a warning. It has been reported that the incident happened only two days after Mynor Melga publicly announced that ODHAG was preparing to charge retired General Efrain Rios Montt with genocide.

175. On 21 March 2001, the Special Representative sent an urgent appeal concerning a group of unidentified men who, on 12 March 2001, reportedly raided the offices of the Centro de Estudios, Información y Bases para la Acción Social (CEIBAS), stealing equipment, including the organization's computers. This act of harassment is the third incident suffered by the organization since February 2000. It has been reported that CEIBAS lodged a complaint before the Tribunales de Justicia, the Public Prosecutor, the Procuraduría de los Derechos Humanos and the National Civil Police.

176. On 10 May 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions sent an urgent appeal regarding Mr. Urías Bautista Orozco, chief of the Human Rights Procurator's Auxiliary Office (PDH) in the department of Solola, as well as other members of the organization, who reportedly received threatening phone calls warning them to stop investigating the killing of Mr. Teodoro Saloj Panjoj, who had been taking part in a demonstration about land reform. The police had apparently refused to pursue the person responsible for the killing. Since then workers at the office have reportedly been intimidated repeatedly by police and others have received threatening phone calls. According to the information received, the PDH workers were being intimidated because they tried to publicize their findings in the case of Mr. Teodoro Saloj Panjoj and because they are still acting as mediators in the land disputes.

177. On 15 May 2001, the Special Representative sent an urgent appeal regarding Ms. Aura Elean Farfán and Mr. Luis Aldana, members of the Asociación of the Familiares de Detenidos y Desaparecidos de Guatemala (FAMDEGUA). Both were reportedly abducted on 4 May 2001 by two armed men who took control of their car and drove off. They were reportedly threatened that they would be killed if they screamed or sought to attract help. Their identity documents were reportedly inspected and they were questioned about their work and about FAMDEGUA. Some 45 minutes later, the two unidentified men released Ms. Aura Elean Farfán and Mr. Luis Aldana in a different part of the city and drove away in the FAMDEGUA car. On 8 December 2000, the Special Representative transmitted an allegation to the Government about the raid on the offices shared by FAMDEGUA and HIJOS on 4 September 2000 by unidentified armed men.

178. On 31 July 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Mr. Anselmo Roldán, president of the Asociación Justicia y Reconciliación (AJR), and also president and legal representative of the Asociación de Defensa de los Derechos Humanos del Area Ixcán (ADDHAI). Mr. Roldán was reportedly attacked on 22 July 2001 with a knife by a male resident of the Cuarto Pueblo community, Playa Grande, Ixcán. The attacker had reportedly repeatedly threatened Mr. Roldán and other witnesses who are filing lawsuits against Guatemalan military officers for genocide during the civil war. According to the

information received, the attacker fled to a nearby house belonging to members of the ruling Frente Republicano Guatemalteco (FRG) party, which is led by retired General Ríos Montt, the current president of Congress. No order for the attacker's arrest has been issued, despite Mr. Roldán reporting the incident to the authorities, including the police and the local State prosecutor's office, on the day of the attack. Members of the AJR have reported other incidents, including surveillance by soldiers dressed in civilian clothes, threats and attempts to break into the homes of the family members of witnesses.

179. On 15 August 2001, the Special Representative transmitted an allegation letter jointly with the Special Rapporteur on torture on the basis of new information received regarding the case of Mr. Celso Balán, which was already transmitted on 8 December 2000. According to the source, on 1 August 2000, unknown men drove Mr. Celso Balán to the office of Centro de Acción Legal en Derechos Humanos (CALDH), where he was allegedly beaten and the office searched. Mr. Celso Balán was forced to swallow a sedative and lost consciousness. He was found two days later in the local cemetery. The ill-treatment had allegedly caused him neuralgic, physical, psychological and emotional problems for which he has been under treatment. According to the doctors, the sedative could have caused paralysis and death.

180. On 30 August 2001, the Special Representative transmitted an urgent appeal concerning Mr. Fernando Rafael Bancés Escobar, an activist of the organization "Colectivo Gay-Lésbico" and a member of the Unidad Revolucionaria Nacional Guatemalteca. On 19 August 2001, Mr. Fernando Rafael Bancés Escobar and his friends Juan Luis Telon and Franz Alvaro were reportedly intercepted by a national civil police officer who asked him the reasons why they were laughing at him. The policeman backed up by other officers reportedly threw Mr. Fernando Rafael Bancés Escobar on the ground and hit him. Afterwards, they checked his identity card and left. According to the information received, these facts were reported to the Oficina de Responsibilidad Profesional of the National Civil Police and Mr. Bancés Escobar was examined by a forensic doctor, who certified his injuries. It was further reported that no action was taken by the police to identify those responsible for the violation. This incident was allegedly connected with the activities of Mr. Fernando Rafael Bancés Escobar for the Colectivo Gay-Lésbico and the Unidad Revolucionaria Nacional Guatemalteca party.

181. On 25 September 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal regarding alleged threatening phone calls received by Mr. Waldemar Barrera, Assistant Procurator for Human Rights, in connection with the investigation by the Procurator General's Office regarding the extrajudicial execution of a journalist, Mr. Jorge Alegría. It has been reported that Mr. Waldemar Barrera, in charge of the investigation, reportedly disclosed publicly the names of those responsible for the murder. He was reportedly threatened by phone and ordered to stop his investigation into the murder and to refrain from making another public statement. In a press release, the Procurator for Human Rights, Mr. Julio Arango, reportedly asked the Ministry of the Interior to guarantee Mr. Waldemar Barrera's safety. The Procurator reportedly stated that Mr. Alegría's murder had been politically motivated and that the authorities of the municipality of Puerto Barrios and San Tomas de Castilla were responsible for Mr. Alegría's murder.

182. On 5 October 2001, the Special Representative, together with the Special Rapporteur on the sale of children, child prostitution and child pornography, sent an urgent appeal concerning threats and intimidation affecting Mr. Hector Dionicio Godinez, Coordinator of Casa Alianza's legal aid Programme. It has been reported that on 10 September 2001 a car tried several times to force Mr. Dionicio Godinez off the freeway. On 10 and 25 September 2001, Mr. Dionicio Godinez reportedly received threatening phone calls at his home and on his cell phone. In addition, on 26 September 2001, two unidentified men in civilian clothes allegedly broke into and tried to steal the Casa Alianza vehicle. According to the information received, this series of threats is connected with the suit brought by Casa Alianza before the Inter-American Court of Human Rights in Costa Rica. In this case, Casa Alianza was pressuring the Government of Guatemala to pay a half a million dollar settlement to the families of five street children who were tortured and murdered by two Guatemalan policemen in 1990.

183. On 19 October 2001, the Special Representative sent an urgent appeal concerning the alleged intimidation suffered by Ms. Ruth Carrido, coordinator of the Sister Parish Centre, a church organization which offers assistance and shelter to indigenous peasants. According to the information received, during a meeting between the indigenous communities and the Centre for Legal Action in Human Rights held in the Sister Parish Centre from 11 to 13 October 2001, members of the Centre reportedly noted phone interference, while Ms. Ruth Carrido reportedly received threatening phone calls in her office and at home. In addition, on 14 October 2001, Ms. Ruth Carrido found the doors of the office had been opened and confidential documents and computer materials stolen.

184. On 19 October 2001, the Special Representative sent an urgent appeal concerning Ms. Matilde Leonor González Izas, a member of the Centro de Estudios para el Avance de las Ciencias Sociales (AVANSCO), who has reportedly been kept under surveillance and has received a number of threatening telephone calls in connection with research and information she had published on the new mechanisms used by the military to maintain local power in San Bartolomé Jocotenango in the department of El Quiche and in San Idelfonso Ixhahuacan. On 2 October 2001, a man reportedly entered Ms. Leonor González Izas' house and stole her lap-top computer containing information on her research on San Bartolomé and San Idelfonso. On 18 October 2001, she lodged a complaint with the public prosecutor.

185. On 8 November 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions sent an urgent appeal regarding Mr. Javier Méndez Games, assistant human rights procurator in Coatepeque in Quetzaltenango department, as well as other members of his office. According to the information received, on 5 October 2001, unidentified assailants broke into the offices of Mr. Javier Méndez Games in Coatepeque, Quetzaltenango department. Nothing was reportedly stolen but the office's car was destroyed. In addition, Mr. Javier Méndez Games reportedly received threatening phone calls. These threats are reportedly linked to the activities carried out by the office of the human rights procurator, such as investigating and denouncing corruption in State institutions in Quetzaltenango and in the national police.

Communications received

186. By letter dated 18 December 2000, the Government of Guatemala informed the Special Representative about the cases of Asociación Mujer Vamos Adelante (AMVA) and of Mr. Celso Balán Argueta. Regarding the AMVA case, the Government reported that information would be sent as soon as possible. Concerning Mr. Balán Argueta, further information was sent by the Government in a letter dated 12 October 2001 in which the Government reported that the investigation has been in the hands of prosecution service No. 1 of the Chimaltenango Public Prosecutor's Office and the criminal investigation service of the National Civil Police. As for prosecutions, the Government informed the Special Representative that the perpetrators had not yet been identified. On 11 December 2000, the prosecution service had pointed out that the file had been provisionally closed on 21 October 2000, as it had not been possible to identify anyone involved, although photofit pictures had been produced. In addition, the Government indicated that upon learning of what happened to Mr. Balán, the National Civil Police had provided him with appropriate protection and no further moves against him had been reported since then. The file on the case had been provisionally shelved, but if any new information led to the identification of any assailants, it would be brought to the attention of the Special Representative.

187. The Government sent a reply on 14 March 2001 regarding the case of Mr. Mynor Melga, which was transmitted by the Special Representative on 24 January 2001. The Government stated that the Identity Card Office's report on the fingerprint analysis indicated that they were all those of Mr. Hugo Antonio Arias Monzón, who has a record of arrest for various criminal offences. As a result, on 5 February 2001, the Fifth Chamber of the Criminal Court of First Instance issued a warrant for the arrest of the main suspect on the charge of aggravated robbery. According to the Government, the Robbery Squad has kept the residences registered in the main suspect's name under surveillance with a view to serving a warrant. Once it has done so, the suspect will immediately be brought before the court that issued the warrant so that he may be charged with the corresponding criminal offence. Specific instructions have been issued to the Robbery Squad of the Criminal Investigation Service to take all necessary lawful action to arrest the suspect and thus enable a final report to be established on the case.

188. By letter dated 7 April 2001, the Government of Guatemala informed the Special Representative concerning the case of the Centro de Estudios, Información y Bases para la Acción Social (CEIBAS), which was transmitted by the Special Representative on 21 March 2001. On 29 March 2001, Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos (COPREDEH) officials visited CEIBAS headquarters and talked to Ms. Yolanda Estreda, the secretary of the organization. She said that when she had arrived at work on 12 March 2001 she had found that the offices had been raided and that the intruders had stolen office and computer equipment. The Government further reported that, on 13 March 2001, a complaint was submitted to the Administrative Centre for Crime Management. The First Court of Criminal Proceedings and Environmental Offences transferred the complaint to the Public Prosecutor's Office since it involved a punishable act and not a habeas corpus action as the petition stated. According to the Government, security measures were in the hands of Police Station No. 3, which covered the area in which the headquarters of CEIBAS are located. The CEIBAS staff told COPREDEH officials that they did

not want bodyguards, patrols of the premises being sufficient. COPREDEH requested both the Attorney-General and the Director of the National Civil Police to expedite such procedures as might be necessary to ensure the efficient investigation of the incidents and to prevent any others that might in any way adversely affect CEIBAS personnel.

189. Por carta de fecha 13 de diciembre de 2001, el Gobierno de Guatemala informó respecto al caso del Sr. Waldemar Barrera. El Gobierno estableció que el Sr. Waldemar Barrera no ha presentado denuncia por las amenazas de que fuera objeto ante ningún órgano y que no desea que las autoridades le brinden seguridad. No obstante, el Gobierno aseguró que de manera periódica se realizaban rondas en las cercanías de la sede de la Auxiliatura Departamental.

190. Por carta de fecha 19 de diciembre de 2001, el Gobierno de Guatemala informó respecto al caso de la Sra. Matilde González Izás. El Gobierno indicó que por el momento se están investigando las placas de los vehículos que fueron denunciados en este caso. Asimismo, el Gobierno estableció que en varias oportunidades se ha tenido comunicación, por vía telefónica, para establecer la forma de brindarle la seguridad que es necesaria para proteger la vida e integridad de la Sra. González Izás y de su familia, pero no se ha tenido respuesta alguna, ya que las reuniones establecidas por vía telefónica no se han podido concretar.

191. Por carta fechada 27 de diciembre de 2001, el Gobierno de Guatemala informó respecto al caso del Sr. Gilberto Gómez Limón. El Gobierno aseguró que la agresión fue consecuencia de un problema entre particulares y sin trasfondo político, y que el agresor fue consignado por los agentes de la Policía Nacional Civil después de ser esposado.

Observations

192. The Special Representative thanks the Government of Guatemala for its detailed replies. Following her request to visit Guatemala sent on 27 April 2001, an official invitation was extended to the Special Representative on 17 May 2001. Several proposals as to dates were exchanged between the Special Representative and the Government. In the end, owing to unexpected commitments and a heavy schedule, the Special Representative was not in a position to undertake the visit during 2001. She hopes to visit Guatemala in the course of 2002.

HAITI

Communication sent

193. On 14 November 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions sent an urgent appeal regarding the death threats allegedly received by the National Coalition for Haitian Rights (NCHR) and the Haitian Human Rights Organizations Platform (POHDH). According to the information received, three members of the POHDH, Mr. Pierre Esperance, treasurer and executive director, Mr. Serge Bordenave, secretary-general, and Mr. Jean Simon Saint-Hubert, executive secretary, as well as Mr. Vilès Alizar, programme manager of NCHR, were reportedly victims of intimidation and death threats received either by e-mail, by telephone or in tracts distributed in the streets. It has been reported that these threats are connected with the publication by the

NCHR of an open letter to the Superior Council of the Haitian Police criticizing and condemning its practices, notably its close links with the ruling party, Fanmi Lavalas, and the increasing violations of human rights in Haiti, such as the harassment of journalists, activists and opposition members.

Communication received

194. By letter dated 23 November 2001, the Government of Haiti informed the Special Representative that the allegations of death threats received by human rights defenders were groundless and that the State could not be held responsible. The Government of Haiti reiterated its willingness to respect human rights and to establish a State of law. It also reaffirmed its willingness to collaborate with the main United Nations human rights mechanisms, especially with the special rapporteurs, who were welcome to visit the country so as to check allegations of human rights violations.

Observations

195. The Special Representative thanks the Government of Haiti for its prompt reply but remains concerned over the allegations that human rights defenders have received death threats.

HONDURAS

Communication sent

196. On 5 June 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions sent an urgent appeal regarding Father Pedro Marchetti, a United States citizen who has lived and worked in the northern region of Aguán for many years, campaigning with the Movimiento Campesino del Aguán (MCA). According to the information received, a powerful local politician has hired gunmen to kill the priest. Previously, in October 1998, threats to kill Father Marchetti were made, allegedly by the same people, after he publicly stated the community's commitment to work to ensure that those responsible for the murder of a local environmental activist, Mr. Carlos Escaleras, killed in 1997, were brought to justice. It has also been reported that a State prosecutor has submitted charges in court against Father Marchetti and the MCA for alleged illegal land appropriation. Although government ministers previously acknowledged the real threat to Father Marchetti, the authorities reportedly failed to investigate the allegations properly in order to bring those responsible to court.

Communications received

197. By letter dated 2 July 2001, the Government of Honduras informed the Special Representative that Father Marchetti had brought no charge before the competent court. Nevertheless, at the request of the Office of the Secretary of State for Security, a group of officers had been instructed to carry out the detailed investigations needed to throw light on the source of the threats to which Father Marchetti had been subjected. The Government also indicated that a security plan for the physical protection of Father Marchetti would be put into effect.

Observations

198. The Special Representative thanks the Government for its reply.

INDIA

Communications sent

199. The Special Representative sent an urgent appeal on 19 January 2001 regarding Ms. Sharmila, who was reportedly arrested on 6 November 2000 on charges of attempting to commit suicide while she was undertaking a hunger strike to protest the killing on 2 November 2000 of 10 civilians in Malom Makha Leikai (Imphal West district of Manipur) and the continuing status of the State of Manipur under the Armed Forces (Special Powers) Act.

200. On 8 March 2001, the Special Representative transmitted an allegation jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Mohammad Azam Ali, secretary of the Andhra Pradesh Civil Liberties Committee (APCLC), who was reportedly killed on 18 February 2001 in Nalgonda town. According to the information received, the killers are ex-members of an armed group linked to two men who are in custody, accused of killing another member of APCLC, T. Purushottam. Mohammad Azam Ali was about to attend a meeting to commemorate the death of Mr. Purushottam when he was killed. It was alleged that despite repeated appeals, the government of Andhra Pradesh has refused to order a judicial inquiry into the killing of T. Purushottam in the light of alleged police connivance with the killers of both individuals.

201. The Special Representative sent an urgent appeal on 25 July 2001 concerning a police raid, on 7 July 2001, on the offices of the Bharosa Trust, a local organization for gay men, and of the liaison office in Lucknow of the Naz Foundation International (NFI), an international development agency providing technical support for the promotion of male sexual and reproductive health in South Asia. The police reportedly seized HIV/AIDS information and prevention material, and arrested Arif Jafar, executive director of the Bharosa Trust in Lucknow, as well as other Trust members, namely Mohhamad Shadid, Sudhish Kumar Singh, Parmeshwar Nayar and Pankaj Kumar. They were allegedly detained in Lucknow district jail and charged with conspiracy to commit unnatural offences. Fears have been expressed that evidence was planted by the police in the raids, which were conducted subsequent to the arrest and detention of the workers. If the charges are retained against them, the members of both organizations would face up to 10 years' imprisonment.

202. The Special Representative sent an urgent appeal on 30 July 2001 regarding the Adivasi Tribal Land Rights Movement. According to the source, some 250 to 300 Adivasis, mostly women and children, organized a protest march to the police station in Maharashtra, in western India, on 25 June 2001. This march took place after a local politician, allegedly accused of attempting to rape an Adivasi girl, was reportedly released on bail and charged by the police station in Puntamba village, Kopargaon district, with the lesser offence of molestation. In an ensuing scuffle involving Ms. Indu Manjare and a local assistant sub-inspector, the police allegedly opened fire and shot dead two Adivasis leaders, Mr. Pradeep Dushing and Mr. Indu Manjare, as well as a third, unnamed, Adivasis person. Thirty Adivasis people were

reportedly injured; 15 marchers were reportedly arrested and charged with the attempted murder of a policeman and attempted arson. One of these marchers was Mr. John Abraham, another Adivasi activist leader, who, according to the source, was arrested on 26 June 2001 while enquiring about his detained wife, Ms. Rina Abraham. According the information received, the 15 protesters were reportedly released on bail on 9 July.

203. On 14 September 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal concerning Dr. Gunti Ravi, state joint secretary of the Andhra Pradesh Civil Liberties Committee (APCLC), based in Warangal, in the southern state of Andhra Pradesh, and Narra Purushotham Reddy, executive member of the APCLC. They were reportedly threatened with death by police officers. According to the information received, the Andhra Pradesh Government and police have consistently condemned members of the APCLC and other human rights organizations in the state as acting as a wing of the left-wing armed group, the People's War Group (PWG).

Observations

204. The Special Representative regrets that at the time of the finalization of this report the Government had not transmitted any reply to her communications. The Special Representative recalls that, in her communication dated 25 July 2001, she indicated her interest in visiting India and hopes that the Government will give positive consideration to this request.

INDONESIA

Communications sent

205. On 12 December 2000, the Special Representative, together with the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal concerning the murder on 6 December 2000 of Ms. Ernita (22), Mr. Idris (30) and Mr. Bakhtiar (24), three humanitarian aid volunteers working with the organization Rehabilitation Action for Torture Victims in Aceh (RATA), while they were transporting a torture victim from the vicinity of Cot Mat Tahe village, in North Aceh, to a hospital for medical treatment. According to the source, they were stopped by plainclothes Indonesian security forces and, while one RATA worker managed to escape, the three others were allegedly lined up on the road and shot in the head. It was reported that the torture victim accompanying the RATA volunteers was also killed in this incident. It is believed that the Police Mobile Brigade (Brimob) and the military (TNI) were involved in the killing.

206. On 23 July 2001, the Special Representative, together with the Special Rapporteur on torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal regarding the arrest on 20 July 2001 by the Police Mobile Brigade (Brimob) of the following persons: Rufriadi, coordinator of the Legal Aid Foundation (LBH); Arie Maulana, an LBH staff member; Tamrin Ananda, secretary-general of the Front for the Democratic Struggle of the Aceh People (FPDRA); Hendra, an FPDRA member; Mudal, a member of Students Solidarity with the People (SMUR); Fazal, a SMUR member; Zamzami, a SMUR member; Amri Saldin, a SMUR member; Banta, a member of the Coalition of Achenese Students for Reform (KARMA); Misdawan, a member of Peoples Network for Human Rights (JRP HAM);

and Oppie, a member of Student Solidarity against Violence (SMAK). Brimob allegedly raided the offices of the Banda Aceh branch of the Lembaga Bantuan Hukum (LBH), Legal Aid Foundation, where a meeting was taking place to discuss arrangements for a week-long campaign against militarism, which had begun on 16 July. During the raid, documents, photographs, a computer and other equipment were reportedly confiscated.

207. The Special Representative sent an urgent appeal on 23 July 2001 regarding Mr. Yohanes Bonay, director of the Institute for Human Rights Study and Advocacy (Elsham) in Papua (Irian Jaya), who allegedly received two death threats by telephone on 18 July 2001 which were reportedly connected with his human rights activities. It has also been reported that, in December 2000, Mr. Bonay was summoned for questioning by police because Elsham had publicized the deaths of students at the hands of the police.

208. On 10 August 2001, the Special Representative transmitted an allegation jointly with the Special Rapporteur on torture concerning the following cases.

209. Anwar Yusuf, a volunteer with the human rights group Forum for the Attention of Human Rights (Forum Peduli Hak Asasi Manusia, FPHAM), was reportedly arrested on 7 February 1999 at his home in East Aceh by men who identified themselves as belonging to Idi Rayeuk subdistrict Military Command (Koramil). It was reported that at the time of his arrest, Anwar Yusuf had been investigating an incident that had occurred on 3 February 1999 in which the military had opened fire on a crowd of unarmed civilians, killing a number of people. It was reported that he was threatened with death and tortured during his detention in the East Aceh district Military Command (Kodim). He was released on 10 February 2001.

210. Amrisaldin, a volunteer with an Aceh-based humanitarian organization, Save Emergency for Aceh (SEFA), was reportedly detained by members of Brimob on 5 September 2000 during a stop and search operation in Meukek subdistrict, South Aceh. According to the information received, during his detention he was subjected to interrogation and to nearly five hours of torture. He was reportedly released the following day, after having been forced to sign a letter in which he promised not to raise the case publicly.

211. Indra P. Keumala (alias Iin), a volunteer with the Aceh branch of the Commission for Disappearances and Victims of Violence (Kontras), a non-governmental human rights organization, and Happy (alias Lalok), a member of the People's Crisis Center (PCC), an Aceh-based volunteer organization which distributes aid and monitors human rights violations, were reportedly arrested by the police on 17 July 2001, when they were returning from Central Aceh where they had been investigating allegations of serious human rights abuses. They were reportedly released in the evening of 18 July, after being detained and tortured for around 24 hours.

Communications received

212. By letter dated 13 March 2001, the Government replied to the joint urgent appeal sent on 12 December 2000. The Government affirmed that the police authority, the Aceh branch office of the National Commission on Human Rights, and the team monitoring the Humanitarian Pause for Aceh had carried out separate investigations into the case and listened to the testimony

of the sole surviving eyewitness, Mr. Nazaruddin Abdul Gani. The Government of Indonesia informed the Special Representative that the authorities had detained nine suspects - four civilians and five soldiers. The dossiers of the police investigation had been submitted to the Prosecutors' Office in Aceh at the end of December 2000 to be processed further. According to the Government, when the Prosecutors' Office announced its intention to prosecute the suspects in a joint civil and military court in early January 2001, the plan was strongly opposed by the National Commission on Human Rights on the grounds that the case constitutes a gross violation of human rights and should therefore come under the jurisdiction of the human rights court, which is to be established in the near future. The Government further explained that the National Commission on Human Rights set up an investigative committee on 9 January 2001 to look into the case. On 13 February 2001, the Commission sent a letter to the Provincial Office of the Prosecutor of Aceh requesting the transfer of the dossiers of the police investigation on this case. The Government assured the Special Representative that the matter of the conflicting competence and jurisdiction of the judiciary in handling this case is expected to be settled soon.

Observations

213. In connection with the case of the three humanitarian workers of RATA, the Special Representative fears that the dispute over the conflicting competence and jurisdiction between Komnas HAM and the Office of the Provincial Prosecutor for Aceh in this case may be used to obstruct the case from being brought to trial. The Special Representative is also concerned over any possibility of trial of the accused in a joint civil and military court rather than a civilian court. In view of the alleged involvement of members of the military in this case, the Special Representative is concerned that the impartiality of such a tribunal could be undermined. The Special Representative recalls that in a letter dated 27 April 2001 she indicated her interest in visiting Indonesia and hopes that the Government will give positive consideration to this request.

IRAN

Communications sent

214. On 11 January 2001, the Special Representative sent an urgent appeal jointly with the Special Rapporteur on the independence of judges and lawyers and the Special Representative on the situation of human rights in the Islamic Republic of Iran concerning Mr. Nasser Zarafchan, a human rights defender and lawyer. Mr. Zarafchan was reportedly arrested on 9 December 2000, released on bail on 14 December and rearrested on 16 December by order of the Judicial Organisation of Armed Forces. He was reportedly held in Evin prison. According to the information received, his first arrest followed the publication of an article in an Iranian newspaper in which he was considered an "anti-revolutionary element that ought to be deprived of his right to practise his profession as a lawyer". Mr. Zarafchan's second arrest was allegedly due to his comments implying that the killings of intellectuals in 1998 were part of a campaign by death squads aimed at silencing the opposition. Mr. Zarafchan is the second lawyer of the families of the intellectuals murdered in 1998 against whom legal action has been taken.

215. On 17 October 2001, the Special Representative sent another urgent appeal jointly with the Special Rapporteur on the independence of judges and lawyers and the Special Representative on the situation of human rights in the Islamic Republic of Iran regarding

Mr. Nasser Zarafchan. He was reportedly accused of having revealed irregularities in the sentence issued by a military tribunal in January 2001 concerning the murders of intellectuals in 1998, namely the incompetence of the military tribunal to try the murderers and the fact that the persons behind the assassinations had not been prosecuted. The trial of Mr. Zarafchan started on 16 October 2001 at the Military Tribunal in Tehran.

Observations

216. No reply from the Government has been received so far.

ISRAEL

Communications sent

217. On 1 May 2001, the Special Representative sent an urgent appeal jointly with the Special Rapporteur on torture and the Chairman of the Working Group on Arbitrary Detention concerning Adnan al-Hajjar, a human rights lawyer and coordinator of the Legal Aid Unit of the Al Mezan Centre for Human Rights in the Jabalia refugee camp situated in the Gaza Strip. According to the information received, he was arrested by the Israeli Defense Forces on 23 April 2001 and was detained in Ashkelon prison without charge. It was reported that he was part of a group that left the Gaza Strip on 5 April 2001 to attend a training course on legislative formulation, organized in Cairo by the Arab Research and Training Centre as part of a programme for strengthening the capacity of the Palestinian Legislative Council. According to the information received, on 30 April 2001, Adnan al-Hajjar appeared before the Israeli Military Court, where the judge extended his arrest for 30 more days for investigatory purposes. Following a request for his release, it was reported that a representative of the Israeli military authorities objected, claiming that they had a confidential no-access file of claims against him, but refused to tell either Adnan al-Hajjar or his lawyer about the nature or contents of the file. It was alleged that his arrest and detention was connected to his work as a human rights activist and defence lawyer for Palestinian detainees in Israeli prisons.

218. On 1 June 2001, the Special Representative, together with the Special Rapporteur on torture, sent an urgent appeal regarding Abed al-Rahman al-Ahmar, a well-known Palestinian human rights activist, who works as a field researcher with the Palestinian Human Rights Monitoring Group (PHRMG), a non-governmental organization working on human rights violations against Palestinians, regardless of who is responsible, in the West Bank, the Gaza Strip and East Jerusalem. He was reportedly arrested on 24 May 2001 while he was on his way home from Jerusalem to Deheisheh refugee camp, in the West Bank. In an interview on Israeli television, he is said to have argued for peaceful coexistence between Jews and Palestinians on the basis of full equality. According to the information received, he was held without charge and without access to his family at the Moscobiyya detention centre in Jerusalem. On 31 May 2001, he is said to have appeared in court without the presence of his lawyer, who had allegedly not been informed about the hearing.

219. On 14 June 2001, the Special Representative, together with the Special Rapporteur on torture, sent another urgent appeal concerning Abed al-Rahman al-Ahmar. It was reported that, at a hearing on 11 June 2001, judges at the Israeli High Court of Justice refused to examine

marks of shackles on his wrists. During the break in the hearing, prison doctors apparently agreed the marks were made by shackles, but did not testify. In addition, the judges rejected a petition filed by two human rights groups, the Public Committee Against Torture in Israel (PCATI) and the PHRMG, calling for a stop to the torture during interrogation, for proper medical care and clothing to be provided to him and for him to be housed in more humane conditions.

220. On 6 July 2001, the Special Representative sent another urgent appeal jointly with the Special Rapporteur on torture and the Chairman of the Working Group on Arbitrary Detention concerning Mr. Abed al-Rahman al-Ahmar. According to the most recent information, despite the fact that there was allegedly no incriminating evidence against Mr. Al-Ahmar, the administrative detention order was reportedly renewed on 30 May 2001 by 20 days and on 18 June 2001 by 15 days. Two appeals against these extensions were filed, but were rejected on 5 and 22 June 2001 by the Military Court of Appeals in Beit El, West Bank. According to the source, Mr. Al-Ahmar was the subject of a six-month administrative detention order, which reportedly allows the Israeli authorities to detain him without charge or trial until February 2002. It was reported that he was held in Megiddo prison in Israel.

221. On 17 September 2001, the Special Representative, together with the Special Rapporteur on torture, sent an urgent appeal concerning Mr. Daoud al-Dir'awi, a lawyer and human rights activist working at the Ramallah office of the Palestinian Independent Commission for Citizen Rights. According to the information received, Mr. al-Dir'awi was arrested on 10 September at the Allendy Bridge crossing point, as he was returning with his wife and baby from a holiday and crossing into the West Bank from Jordan. Mr. al-Dir'awi's arrest was allegedly motivated by his activities as a human rights lawyer. He was reportedly taken to Shikma prison, in Ashkelon and was interrogated by the Israeli General Security Services (GSS).

222. On 26 September 2001, the Special Representative transmitted an allegation regarding the Israeli authorities' reportedly trying to prevent a certain number of Palestinian human rights defenders and activists from participating in international conferences and forums. This was the case for Dr. Eyad El-Sarraj, founder and director of the Gaza Community Mental Health Program (GCMHP), Commissioner-General of the Palestinian Independent Commission for Citizens' Rights and winner of the Martin Ennals Award for Human Rights Defenders in 1998. On 18 June 2001 the Israeli authorities reportedly denied him a permit to leave the country to go to Italy to participate in an international workshop. According to the information received, on the same day, allegedly for security reasons, the Israeli authorities are said to have banned Dr. El-Sarraj, from leaving Gaza to take part in a television interview with the British Broadcasting Corporation (BBC). The BBC was reportedly told by the Israeli authorities that the Israel General Security Services "*Shabak*" had categorized Dr. El-Sarraj as a category 10 high security risk and that his presence in Israel could compromise national security.

Communications received

223. By letter of 10 January 2002, the Government responded to the urgent appeal sent on 1 June 2001 regarding Mr. Abed al-Ahmar. The Government asserted that Mr. al-Ahmar had been arrested on 24 May 2001 for investigation into his activities with the Popular Front terrorist

organization and his involvement in various terror attacks, including shooting incidents against Israeli soldiers and the murder of Baruch Cohen. The Government added that Mr. al-Ahmar's petition to the High Court of Justice about his interrogation and the conditions of his detention had been heard and dismissed by a panel of three judges on 12 June 2001.

Observations

224. The Special Representative thanks the Government for the reply regarding Mr. Abed al-Ahmar but is awaiting information with regard to the other cases she brought to the Government's attention.

JAMAICA

Communications sent

225. On 9 August 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal regarding Mr. Hilaire Sobers, a journalist writing a weekly column on human rights in the newspaper *Jamaica Observer* who is known to be an outspoken critic of the Government's human rights record. It was reported that, on 7 August 2001, a letter was delivered to the newspaper's offices which contained a picture of a gunman raping and shooting Mr. Hilaire Sobers. The letter allegedly made reference to Mr. Hilaire Sobers' human rights work and to the activities of other human rights journalists, namely Mr. Perkins, a renowned radio journalist, Mr. Wignal, a journalist working for the *Jamaica Observer*, and threatened to kill them. It was also reported that the letter also explicitly mentioned the contact established by Mr. Hilaire Sobers with Amnesty International and accused him of working with Mr. Edward Seaga, the leader of the Jamaica Labour Party (JLP) opposition party. According to the information received, Mr. Hilaire Sobers reported the letter to the police that day. It is believed that the author of the letter is allegedly a supporter of the Government, the ruling People's National Party (PNP).

Observations

226. The Special Representative regrets that at the time of the finalization of this report the Government had not transmitted any reply to her urgent appeal.

KENYA

Communication sent

227. On 25 October 2001, the Special Representative, together with the Special Rapporteur on torture, sent an urgent appeal regarding the following members and supporters of Release Political Prisoners (RPP), a human rights activist organization which mainly lobbies for the release of political prisoners. Among the arrested members were Kivutha Kibwana, Mungai Kibe, Ng'ang'a Waweru, George Mutua, Kiilu, Stephen Musau, Peter Wambua,

Johnstone Nyamu, Mercy Nyambura Kariuki, Peter Mutemi, Benson Mutiso, Aloise Muia, Mbara Kambara Kariuki, Kibuku Kihura, Mukia Kamau, Githii Mweru, Daniel Muoti, Njoroge Wanguthi, Rahab Wairuri, Julius Mwaura, Kimani Waweru, Francis Njenga, Martin Mukeku, Francis Mutuku, Charles Nthanga, Gitau Wanguthi, Waweru Kariuki, Thungu Wakaba, Peter Nguma, Kennedy Kimeu, Julius Kariuki, Gathoni Kamau, Samuel Gikundi, Waruiru Mungai, Solomon Waithaka, George Ngige, Haron Keli, Joseph Muoki, Gathoga Njoroge, Munyae Mulinge Kioko, Theophilas Kiilu, Simon Mburu, Elijah Ochieng Solomon, William Mbuvi, Eric Mulevu, Silvanus Kikihu, Karori Njunge, George Mungi, Moses Mbugua, Kimani Ndegwa, Benjamin Muhesuni, Moses Karori, Kamonje Manje, Owino Amina, Nyongessa Omboko, Gitau Kung'u, Tony Ndolo, Orina Nyamwamu, Peter Maina, Joseph Bonzo, Tirop Kitur, Odhiambo Oyoko, Mwendwa Kibwana, Njoki Kamau, Henry Maiyo, Stephen Waweru, Nyamberi Bosire, Munga Gathogo, Mwangi Kimbathi, Wambua Kituku, Daniel Mathias Kingoo, Boaz Waruku. It was reported that they were arrested at the RPP premises in Nairobi during a peaceful celebration to mark Mau Mau Day (officially called Kenyatta Day), which commemorates the 1952 uprising of the Mau Mau against British rule. The police appear to have used excessive force to break up the gathering. All were reportedly brought before the Chief Magistrate at the High Court on 22 October 2001 to answer charges of "unlawful assembly". Since they all refused to enter a plea, they were recorded as pleading "not guilty". Only five of the detainees have reportedly been able to gather the sum required to post bail. The bond has been set at 50,000 Kenyan shillings, which is believed to be more than most of the persons arrested, mainly students or youths, can afford. Members of the RPP are said to face regular harassment and intimidation from the authorities because of their work in defence of human rights.

Observations

228. The Special Representative is awaiting a reply from the Government.

KYRGYZSTAN

Communications sent

229. On 25 January 2001, the Special Representative sent an urgent appeal concerning the cases of Albert Korgoldoev, Ravshan Garipov and Ramazan Dyryldaev. It was reported that, on 6 December 2000, officers of the Department of the Interior in Jalal-Abad attempted to detain Mr. Albert Korgoldoev, a coordinator for the Kyrgyz Committee for Human Rights (KCHR) for the Jalal-Abad region, based on a fabricated complaint drawn up by an affiliate of the Coalition of Non-Commercial Organizations. According to the source, Nouoken Kasiev, the State Secretary of the Kyrgyz Republic, created the Coalition of Non-Commercial Organizations on the eve of the presidential elections in order to discredit independent journalists, opposition-related observers and independent non-governmental organizations. It was also reported that criminal charges of hooliganism under article 234, part 2, point 1.4 of the Kyrgyz Criminal Code were allegedly pending against Mr. Korgoldoev and that he was in hiding in order to avoid being arrested. It was also alleged that Ravshan Garipov, the director of the Kara-Suy Human Rights Centre "Provosudie Istina", was arrested on 21 November 2000 and

detained in Kara-Suy ROVD (district police station). According to the source, Mr. Garipov has been active in cross-border relations with Uzbekistan to stop the destruction of a local historical site and has investigated allegations of corruption in the privatization of the Kara-Suy bazaar. It was also reported that Mr. Garipov is an active member of the Coalition of Non-Governmental Organizations for Democracy and Civil Society, and has served as and trained non-partisan election observers. According to the information received, Mr. Gapirov was charged with hooliganism under article 234 of the Kyrgyz Criminal Code and his trial was set to begin on 26 January 2001. The communication also raised the case of Ramazan Dyryldaev, the chairman of the Kyrgyz Committee for Human Rights (KCHR), and other KCHR members who have been in exile since July 2000. According to the source, government actions such as the sealing of the committee's office and the seizure of its bank accounts prevent the members of the KCHR from continuing their work in Kyrgyzstan. Furthermore, it was alleged that the Kyrgyz authorities have not yet properly dismissed outstanding charges against Ramazan Dyryldaev and have made no arrangements to ensure his safe return from exile so that he may carry out his work as a human rights defender in Kyrgyzstan.

230. On 18 June 2001, the Special Representative sent an urgent appeal jointly with the Special Rapporteur on torture regarding Adymamat Kadyrbekov, a member of the KCHR. He was reportedly stopped in the street and subjected to ill-treatment by members of the Governmental Auto Inspection (GAI) in Jalal-Abad, on 12 June 2001. It was alleged that as he showed his KCHR membership card, one of the militiamen said, "I am sick of all these law defenders". He was subsequently handcuffed and put into a car, where he is believed to have been beaten and to have defended himself. He was reportedly transferred to the City Department of Internal Affairs and the investigator is said to have opened a criminal case against him for "use of violence in resisting public officials", for which he could risk up to five years' imprisonment. Mr. Kadyrbekov was set free, but it was alleged that he remained under the control of the militia.

231. On 30 August 2001, the Special Representative transmitted an allegation jointly with the Special Rapporteur on torture regarding Almaz Dyryldaev and Gulhan Borubaeva, both members of the KCHR. They were reportedly subjected to ill-treatment by police officers on 20 July 2000. According to the information received, about 20 police officers surrounded the KCHR office on Ivanitsin Street (Bishkek) and detained Almaz Dyryldaev under the orders of an investigator of Pervomai ROVD. It was reported that Almaz Dyryldaev was beaten during interrogation at the ROVD. As a result, upon release, he went into hiding. Gulhan Borubaeva was said to have remained held in the office of the KCHR without food for four days until the office was unsealed and she was allowed to return home.

Observations

232. The Special Representative would like to refer to the separate report she has submitted to the Commission on Human Rights (E/CN.4/2002/106/Add.1) on the visit to Kyrgyzstan she undertook from 30 July to 4 August 2001.

MALAYSIA

Communications sent

233. On 3 May 2001, the Special Representative, together with the Special Rapporteur on torture and the Chairman of the Working Group on Arbitrary Detention, sent an urgent appeal concerning Badaru'ddin Ismail, a member of the secretariat of the human rights organization Suara Rakyat Malaysi (Suaram), Voice of the Malaysian People. The Malaysian police reportedly arrested him on 26 April 2001 under the Internal Security Act (ISA). According to the information received, Badaruddin Ismail was arrested without charge and was held incommunicado in an unknown location. It was alleged that Badaruddin Ismail was arrested and detained in connection with his work assisting the families of detainees and documenting police brutality.

234. On 17 July 2001, the Special Representative sent an urgent appeal jointly with the Special Rapporteur on torture, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression regarding Mr. Mohamad Fuad Mohd Ikhwan, president of the Student Representative Council of University Malaya. According to the information received, he was reportedly arrested in Kuala Lumpur on 6 July 2001 under the Internal Security Act (ISA). Earlier, a student leader from the Institute Kemahiran Mara, Mr. Khairul Anuar Ahmad Zainuddin, was allegedly arrested under this Act on 5 July 2001 at the Dang Wangi police station. The Inspector General of Police, Norian Mai, was quoted in a report as saying that Mr. Khairul Anuar had been arrested in connection with activities posing a threat to the national security and on suspicion of having set fire to the Tunku Canselor Hall of University Malaya on 2 July. These arrests of student activists under the ISA allegedly followed a recent police raid on a student movement supporting political reforms and the abolition of the ISA in front of the National Mosque on 8 June 2001. It was also reported that 41 persons, including three teenagers, were arrested and held at the Taiping police station for illegal assembly on 15 July 2001, following a demonstration ("Konvoy Perdana") organized to support family members of six political activists allegedly detained under the ISA without trial for two years, Tina Chua, Mohamad Eyam Mohd.Nor, Saari Sungib, Hishamuddin Rais, Llokman Adam and Badaruddin Ismail. The 41 detainees were all released, but 37 were released on police bail amounting to RM 1,000 each.

Communications received

235. In a reply dated 28 August 2001, the Government of Malaysia informed the Special Representative that Mr. Badaruddin Ismaïl had been taken into custody in order to assist the Royal Malaysian Police in their investigations pertaining to credible threats to the public order and internal security of Malaysia. The Government added that Mr. Badaruddin Ismaïl was among those involved in organizing illegal nationwide street demonstrations that would result in public discord and unrest, detrimental to the domestic harmony, stability and internal security of Malaysia. The Government assured the Special Representative that due process of law has been followed in the arrest and detention and that the Royal Malaysian Police had released Mr. Badaruddin upon completion of the investigations. The Government added that family

members had been allowed to visit the detainee on several occasions and that the chairman and four other panel members of SUHAKAM, the Malaysian Human Rights Commission, had been given unhindered access to all detainees on 29 May 2001. The Government stated that so far, there had been no allegations of torture or ill-treatment of the detainee arising from such visits.

236. On 28 August 2001, the Government of Malaysia replied to the urgent appeal sent by the Special Representative on 17 July 2001. The Government informed the Special Representative that the Royal Malaysian Police took into custody Mr. Khairul Anuar Ahmad Zainuddin and Mr. Mohamad Fuad Mohd Ikhwan on 5 and 6 July 2001 respectively, to assist in their investigation pertaining to credible threats to the public order and internal security of Malaysia. The arrests were made in accordance with Section 73 (1) of the 1960 Internal Security Act (ISA) of Malaysia. The Government affirmed that the two men were released unconditionally on 16 and 28 July 2001, respectively and while in custody had access to their respective relatives. There had been no allegation of torture or ill-treatment arising from such arrests.

Observations

237. The Special Representative thanks the Government for its replies and cooperation. The Special Representative welcomes the release on 5 June 2001 of Mr. Badaruddin Ismaïl, as well as the release of Mr. Mohamad Fuad Mohd Ikhwan on 16 July 2001 and of Mr. Khairul Anuar Ahmad Zainuddin on 28 July 2001. She is, however, concerned that the Internal Security Act (ISA) allows the police to detain incommunicado and without a warrant any person deemed a threat to the national security or economic life of Malaysia for up to 60 days of investigation. Under the ISA, the Minister of Home Affairs may extend the period of detention for an initial period of up to two years without reference to the courts and the Prime Minister can issue a further detention order for up to another two years, again without reference to the courts, and this period is renewable indefinitely. The Special Representative remains disturbed at the use of the ISA against human rights defenders and considers such use to be a potential threat to activities for the promotion, protection and implementation of human rights. Furthermore, the Special Representative recalls that, in a letter dated 25 July 2001, she indicated her interest in visiting Malaysia and hopes that the Government will give positive consideration to this request.

MAURITANIA

Communication envoyée

238. Le 27 août 2001, la Représentante spéciale a envoyé au Gouvernement mauritanien une allégation concernant M^me^ Aïssata Satiguy, membre du bureau exécutif de l'Association mauritanienne des droits de l'homme (AMDH). M^me^ Satiguy aurait été licenciée le 5 juin 2001 par la Caisse de sécurité sociale de Mauritanie où elle travaillait depuis 15 ans, pour le motif "d'abandon de poste". Cette décision ne lui aurait été notifiée que le 18 juillet 2001 et M^me^ Satiguy en aurait aussitôt saisi l'Inspection du travail. D'après les sources, ce licenciement serait lié aux activités de M^me^ Satiguy en faveur de la promotion et de la défense des droits de l'homme. D'après les informations reçues, les pressions exercées à l'encontre de M^me^ Satiguy se seraient accrues en 2001 en raison de son implication dans la préparation de la Conférence

mondiale contre le racisme à Durban. Selon les informations reçues, en avril 2001, lors de sa participation à la dernière session de la Commission africaine des droits de l'homme et des peuples à Tripoli, M^me^ Satiguy aurait été publiquement menacée par le Consul général de Mauritanie. Suite à cet événement, sa famille aurait également fait l'objet de pressions.

Communications received

239. By letter of 20 September 2001 the Government informed the Special Representative that the case of Ms. Aïssata Satiguy Sy was an ordinary law matter, which has absolutely nothing to do with Ms. Sy's activities relating to politics, associations or the "defence of human rights". Ms. Aissata Satiguy Sy, an employee of the National Social Security Office (CNSS), was on leave of absence for the period from 1 April to 5 May 2001 and was due to take up her duties again on 6 May 2001. The Government further explained that 26 days after the end of the leave of absence and in the absence of any written explanation for this dereliction of duty, the personnel director decided to apply the rules: a message serving formal notice on the person concerned that she must return to work within 72 hours was broadcast on national radio on 31 May. As the person concerned did not return to her job or provide any explanation about her situation, the CNSS took due note, on 5 June 2001, of the breach of Ms. Sy's employment contract. The Government assured the Special Representative that Mauritania was a State governed by the rule of law, where human rights and fundamental freedoms were respected and where there were no "serious human rights violations" to be denounced. The Government specified that no pressure of any kind had ever been put on Ms. Satiguy Sy, who had never missed a meeting she wished to attend while she was a public employee, and that the recordings of the meeting at which the Consul General reacted to Ms. Satiguy Sy's statement were available for consultation at the office of the African Commission.

Observations

240. The Special Representative thanks the Government for its reply.

MEXICO

Communications sent

Urgent appeals

241. On 26 June 2001, the Special Representative sent an urgent appeal regarding the case of Sin Fronteras IAP, an organization dedicated to the promotion and defence of the rights of migrants and refugees. According to the information received, on 15 June 2001 an unidentified man stole the main computer of the administrative and social section of the organization, and a printer. The computer reportedly contained important and confidential information that if used could put in danger the lives of those concerned. It was further reported that the man knew about the organization's location, the names of the various employees and the places where the computer material was kept.

242. On 23 July 2001, the Special Representative, together with the Special Rapporteur on torture, sent an urgent appeal regarding Mr. Gerardo Cabrera Gónzalez, a member of the Organización de Campesinos Ecologistas de la Sierra de Petetlán y Coyuca de Catalán (OCESP). The organization campaigns to stop the logging operations of local groups, backed-up by military or paramilitary groups, that are threatening forests in the State of Guerrero. According to the information received, Mr. Cabrera González was arrested on 14 July 2001 by the 19th Infantry Battalion in the community of Banco Nuevo, Petetlán municipality. After his arrest, he was reportedly taken to Petetlán and then transferred to Acapulco civil prison and charged with illegal possession of arms. Fears have been expressed that these acts are related to Mr. Cabrera González's activities with OCESP and that he is at risk of being tortured or ill-treated while in detention.

243. On 31 August 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on torture regarding the case of General José Francisco Gallardo Rodríguez. According to the information received, General Gallardo has been held in detention since 9 November 1993 after the publication of an article expressing the need to create a military ombudsman in Mexico in relation with human rights violations committed by members of the national armed forces. General Gallardo was subsequently accused of defamation, calumny and abuses against the army and sentenced to 28 years' imprisonment. The Secretary for National Defence stripped him of his military rank. It has been further reported that, on 28 August 2001, General Gallardo was transferred to the punitive cell inside Neza-Bordo prison where the conditions of detention are reportedly cruel, inhuman and degrading. It has also been reported that the Inter-American Commission on Human Rights (IACHR) of the Organization of American States acknowledged that the rights of General Gallardo to freedom, judicial guarantees and to the protection of his honour and dignity have been violated. IACHR has recommended that General Gallardo be released immediately and that all necessary measures be taken to end the campaign of persecution, defamation and harassment against him. In addition, the Working Group on Arbitrary Detention has emitted an opinion (No. 28/1998) recognizing that the deprivation of General Gallardo's liberty was illegal.

244. On 19 October 2001, the Special Representative sent an urgent appeal concerning Ms. Marina Patricia Jiménez Ramírez, director of the human rights organization Centro Fray Bartolomé de las Casas, in San Cristobal de las Casas, State of Chiapas. According to the information received, Ms. Jiménez Ramírez has been kept under surveillance by two unknown men who reportedly falsified their identity. It was reported that among other incidents, on 17 September 2001, employees of the travel agency "Santa Ana Tours" reportedly declared that two men, both claiming to be members of the Centro, visited the agency asking for detailed information on the visit Ms. Jiménez Ramírez planned to take to Guatemala in November 2001.

245. On 23 October 2001, the Special Representative sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture regarding the murder on 19 October 2001 of Ms. Digna Ochoa y Plácido, a human rights defender and member of the Centro de Derechos Humanos "Miguel Agustín Pro Juárez" (PRODH) in Mexico. According to the information received, Ms. Digna Ochoa was found dead in a legal office in the centre of Mexico City. The killers reportedly left a death threat warning other human rights defenders from the PRODH, that they would meet a similar fate if they continued their human rights work. Fears have been expressed that human rights lawyers

Ms. Pilar Noriega and Ms. Bárbara Zamora, who worked with Ms. Digna Ochoa on very high-profile cases are at particular risk. It has been reported that Ms. Digna Ochoa had reportedly been threatened with death and attacked many times since 1995. Although the authorities provided police protection for Ms. Digna Ochoa and other PRODH members, it has been reported that they failed in their responsibility to investigate properly the aggression and threats, thus creating a climate of impunity leading to Ms. Digna Ochoa's murder and other threats against her colleagues.

246. On 24 October 2001, the Special Representative, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers issued a press statement to express their deep sadness and outrage over the murder on 19 October 2001 of renowned human rights lawyer Digna Ochoa y Plácido in Mexico City. They stated that it demonstrated the vulnerability of human rights defenders and underlined the need for strengthening measures for their protection.

247. On 7 November 2001, the Special Representative sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture regarding alleged death threats against human rights defenders, members of the Red Nacional Mexicana de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todos". According to the information received, on 27 October 2001, the offices of Periódico Reforma in Mexico City received a phone call claiming the murder of Digna Ochoa and containing death threats and schemes to execute the following persons: Mr. Juan Antonio Vega, a former member of the international office of Acción de los Cristianos para la abolición de la Tortura and technical secretary of the Red Nacional "Todos los Derechos para Todos", Mr. Miguel Sarre, a member of the "Comité para la Humanización de las Prácticas Incriminatorias", Mr. Fernando Ruiz, a member of the Consejo para la Ley y los Derechos, Mr. Sergio Aguayo, a member of the Academia Mexicana de Derechos Humanos", Mr. Edgar Cortez, a member of the Centro de Derechos Humanos Miguel Agustin Pro Juárez. In addition, the threats reportedly included demands for the remittance of six million pesos for each person.

248. On 28 November 2001, the Special Representative sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of indigenous people's human rights and fundamental freedoms regarding the death threats allegedly sent by e-mail on 1 November 2001 to Mr. Aldo González and Ms. Melina Hérnandez Sosa, members of the Unión de Organizaciones de la Sierra de Oaxaca (UNOSJO). These facts are reportedly connected with the work of UNOSJO for the promotion and defence of indigenous rights in the Sierra Juarez region in Oaxaca State.

Allegation letters

249. On 26 September 2001, the Special Representative transmitted a communication regarding the following cases.

250. On 11 October 1999, María Estela García Ramírez and Nestora Ramírez, members of the Unión de Pueblos Contra la Represión en la Región Loxicha, were reportedly harassed and intimidated by the police while providing help to families in difficulty in the Loxicha region. On several occasions, they were both followed by the police while exercising their activities. In some cases, they have reportedly been subjected to force.

251. According to the source, Mr. Juan López Villanueva, an attorney in the Legal Department of the Human Rights Centre "Fray Bartolomé de las Casas" at San Cristobal de las Casas, Chiapas, received threats by e-mail. According to the information received, on 19 January 2000 a complaint concerning these death threats was filed with the Federal Ministry of Public Affairs, followed by a second complaint filed with the State Commission for Human Rights in January 2000.

252. Mr. Isaías Martínez Gervacio, a member of the Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México (AFADEM-FEDERAM), State of Guerrero, was reportedly trailed by an unknown armed person on 2 March 2000. On the same day, a young person, purporting to be an agent of the Ministry of Public Affairs, presented himself at Mr. Martínez Gervacio's house without showing any official identification and asked to see his son, who had disappeared in March 1978. It was further reported that these events took place after Mr. Martínez Gervacio had taken part in a press conference organized on 1 March 2000 by the AFADEM Executive Committee on the serious and systematic human rights violations and the situation of impunity in the State of Guerrero, in particular in the region of Atoyac. Mr. Martínez Gervacio presented himself to the Commander of the Police Prevention Department, Mr. Neftalí Ponce Velez, but reportedly no protection has been made available to him.

253. Information has been requested by the Special Representative concerning the murder on 15 April 2000 of Mr. José Luis Rodríguez, as well as the murders on 20 April 2000 of Mr. José Martínez Ramón and Mr. Felipe Nava Gomez, both members of the Organización Campesina de la Sierra del Sur (OCSS). She also requested information about Mr. Marco Antonio Abadicio Mayo, the leader of the OCSS, in Atoyaquillo, State of Guerrero, who was reportedly caught in a fusillade on 19 July 2000 on his way home. It was reported that his aggressors might belong to paramilitary groups. Previously, on 12 January 2000, Mr. Abadicio Mayo was reportedly threatened, arrested and tortured for 12 hours by members of the army and afterwards released without charges. Mr. Abadicio Mayo is reportedly the victim of continuous threats and harassment, especially by persons from outside the community who have been seen prowling around his house at night. It was further reported that Mr. Marcos Torres Campos, leader of the OCSS, was murdered on 4 July 2001 in the municipality of Coynca de Benitez, State of Guerrero. Mr. Marcos Torres Campos had participated, since 28 June 2001, in the roadblocks and in the Plantón (permanent strike) by the OCSS outside the town hall of the municipality to request a meeting with the secretary general of the state government. The Public Prosecutor has reportedly initiated an investigation in order to identify those responsible.

254. According to the information received, Professor Raúl Gatica Bautista, leader of the Popular Indigenous Council of Oaxaca (CIPO) "Ricardo Flores Magón" and his 17-year-old son were both insulted, threatened with death and beaten on 16 April 2000 by six armed individuals led by a federal agent. It was further reported that several policemen of San Isidro Monjes, municipality of Xoxocotlán, managed to stop the attackers.

255. Mr. Maurilio Santiago Reyes, an attorney and defender of Indians' rights and Ms. María del Pilar Marroquín, his employee, allegedly received a number of threatening phone calls on 10 May 2000. It was reported that, on 9 May 2000, both had noticed a van without registration plates driving around Mr. Maurilio Santiago Reyes's home at Tlaxiaco, Oaxaca. These threats were reportedly connected with the complaints that both had filed with a criminal court against civil servants for violations of the rights of indigenous people.

256. According to the information received, Mr. Jaime Cuevas Mendoza, member of the Enlace Comunicación y Capacitación, based in Ocosingo, State of Chiapas, was knocked down by a car on 12 June 2001 outside the house of Mr. Antonio Paoli Bolio, coordinator of the Comité de Derechos Humanos Fray Pedro Lorenzo de la Nada. The police reportedly chased the person responsible, but failed to arrest him or her.

257. Mr. Freddy Secundino Sanchéz, a journalist, was reportedly abducted and later released in June 2000 in connection with articles he had published in the political review *Epoca*. According to the information received, those responsible for abducting him could be agents of the judiciary police. It was reported that three weeks later an unidentified man made a telephone call to the journalist and told him that he would die. According to the source, Mr. Freddy Secundino Sanchéz reported the facts to the authorities.

258. Mr. Plácido Camargo Ruíz, a primary school teacher and militant in the educational sector, and a member of Section X of the National Educational Workers' Union (SNTE), was reportedly the victim of enforced disappearance on 16 June 2000 on his way to work in the Federal District of Mexico. He has not been found yet. It was also reported that Mr. Plácido Camargo Ruíz's disappearance was the work of a paramilitary group, or federal police detectives, in reprisal for his activities during the May-June 2000 teachers' strike.

259. On 19 June 2000, a large number of criminal investigations officers and local police of Río Bravo, Tamaulipas and Reynosa reportedly entered violently the offices of the Duro Bags Manufacturing Company at Río Bravo, Tamaulipas. According to the information received, employees had given notice of a strike intended to improve their working conditions, obtain the respect of their individual and collective rights, including their freedom of association, and gain recognition of the trade union management, which had been refused by the employers. A few workers were detained and afterwards freed against the payment of a global bail of US$ 2,000. The Special Representative was also informed of the presumed enforced disappearance of Mr. Eliud Amaguer, the leader of the Duro Bags Manufacturing employees, when on his way between Río Bravo, State of Tamaulipas, and Monterrey, State of Nuevo León.

260. Mr. Gerardo Cabrera Gonzaléz, a member of the Organización de Campesinos Ecologistas de la Sierra de Petetlán y Coyuca de Catalán (OCESP), which is campaigning to stop forest exploitation, was reportedly detained on 14 July 2001 by members of the XIX infantry battalion. It was further reported that he was transferred to the civil prison of Acapulco and accused of illegal arms possession.

261. According to the information received, on 3 August 2001 Ms. Angélica Ayala Ortiz, coordinator at the Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH) at Oaxaca, noted that unknown persons had reportedly entered her house illegally and gone through her archives and materials containing information about the work of the organization. It was reported that these events took place a few days before the LIMEDDH was due to present its annual report on the state of health of native Zapotec prisoners from the region of Loxichas in the Ixcotel and Elta penitential centres.

262. Mr. Andrés Rubio Salvidar, an historian, and Mr. Rey Miguel Hernández, a journalist, both coordinators and members of the Coordinating Committee for the Defence of Human Rights in Costa Chica, State of Guerrerro, reportedly received a threatening message in early September 2000 from the local commander of the Guerrerro Criminal Investigation Department. These threats are reportedly linked to investigations carried out by the Committee, and the publication of an article by Mr. Rey Miguel Hernández based on denunciations received in December 1999 from indigenous Mixteca from the community of La Concordia, municipality of Ayutla de los Libres, State of Guerrero.

263. Dr. Adrian Ramirez López, president of LIMEDDH and vice-president of FIDH, and Sara Rico Ramírez, head of the Victim Legal Support System, were reportedly summoned on 21 September 2000 and on 24 October 2000 by the General Military Justice Tribunal to appear on 6 October 2000 for ministerial inquiries. These summonses were reportedly linked to their declarations as witnesses with regard to two urgent actions filed by LIMEDDH in response to appeals by the Centro de Derechos Humanos "Fray Bartolomé de las Casas".

264. On 26 September 2001, the Special Representative transmitted a joint communication with the Special Rapporteur on freedom of opinion and expression requesting information regarding Margil Guerra and Ciro Rodriguéz, two journalists with the Mexican Television Televisa, and Mauro Cruz, a member of the Centro de Estudios Fronterizos y Promoción de los Derechos Humanos (CEFPROHAC), who were reportedly harassed on 31 March 2001 by soldiers in anti-drug raids on two communities in Tamaulipas State. It was reported that Margil Guerra, Ciro Rodriguéz and Mauro Cruz had attempted to observe the raids in Tamaulipas State. Twenty persons, including one minor, were reportedly detained after some 300 soldiers entered the village of Guardado de Abajo, in Camargo municipality, and the district of Fonhapo, in Miguel Aleman municipality without showing search warrants.

265. On 26 September 2001, the Special Representative transmitted a joint communication with the Special Rapporteur on torture on the following cases. On 2 May 1999, Rodolfo Montiel Flores and Teodoro Cabrera García, environmental activists in Pizotla, Guerrero, members of the Organización de Campesinos Ecologistas de la Sierra de Petatlán y Coyuca de Catalán (OCESP), were reportedly held in incommunicado detention, and tortured physically and psychologically by members of the army after participating in a peaceful demonstration protesting against

operations threatening forests in the State of Guerrero. The XXI Circuit Court sentenced Mr. Teodoro Cabrera García to 10 years' imprisonment and Mr. Rodolfo Montiel Flores to 6 years and 8 months for offences relating to drugs and arms. Soldiers reportedly forced the two activists to sign confessions accepted by the courts.

266. In October 2000, Mr. Hector Pérez Córdova was reportedly detained in Topo Chico prison in Nuevo León State and ill-treated after participating in a peaceful demonstration organized by human rights defenders in front of the prison, in the framework of Amnesty International's world campaign against torture. It was reported that Mr. Hector Pérez Córdova was held responsible for this event. While in detention, he was reportedly naked, put in a cell for seven days and deprived of food and medicine.

267. On 26 September 2001, the Special Representative transmitted a joint communication with the Special Rapporteur on extrajudicial, summary or arbitrary executions requesting information regarding the murder on 1 March 2001 by unidentified men of Mr. Francisco de la Cruz Mesino, representative of the Organización Campesina de la Sierra del Sur (OCSS) in Agua community in Sierra de Atoyac. According to the information received, although Mr. de la Cruz Mesino's home was situated in front of the headquarters of the Policía Motorizada, no police officer was there until half an hour after. It was reported that the reason for the murder was that Mr. de la Cruz Mesino was the representative of his community before the OSCC.

Communications received

268. By letters dated 23 and 26 October 2001 and 9 November 2001, the Government of Mexico provided information to the Special Representative about the case of Ms. Digna Ochoa y Plácido, which was transmitted by the Special Representative on 23 October 2001. The Government of Mexico informed the Special Representative about the decision and commitment of its national authorities to investigate this crime fully and to bring those responsible to justice. It further indicated that it would keep the Special Representative informed on the progress of the inquiry. In addition, the Government of Mexico gave further information about the implementation of the provisional measures of the Inter-American Court of Human Rights following the murder of Ms. Digna Ochoa y Plácido, of the precautionary measures called for by the Inter-American Commission on Human Rights after the threats made against five human rights defenders, and about the progress reported by the Office of the Procurator General of the Federal District concerning the investigation into the murder.

269. By letter dated 9 November 2001, the Government of Mexico provided information about the case of Mr. Gerardo Cabrera González, which was transmitted by the Special Representative on 23 July 2001. The Government of Mexico asserted that, on 31 July 2001, the National Commission on Human Rights (CNDH) had started investigating the case of the inhabitants of the community El Rincón del Refugio, including the case of Mr. Gerardo Cabrera Gónzalez, a member of the Organización de Campesinos Ecologistas de la Sierra de Petetlán y Coyuca de Catalan (OCESO). The Government further indicated that it would keep the Special Representative informed.

270. Por cartas de fecha 13 de noviembre y 3 de diciembre de 2001, el Gobierno de México informó respecto a los casos de Rodolfo Montiel Flores, Teodoro Cabrera García y Héctor Pérez Córdova enviados por la Representante Especial el 26 de septiembre de 2001. El Gobierno indicó que con fecha 8 de noviembre de 2001 el Presidente de México dictó las medidas necesarias para la excarcelación de los nombrados, la cual fue ejecutada por las autoridades competentes. El Gobierno señaló que los nombrados fueron custodiados por la Policía Federal Preventiva desde su excarcelación hasta el 10 de noviembre de 2001, debido a la solicitud de suspensión temporal presentada por parte de su abogado, miembro del Centro de Derecho Humanos Miguel Agustín Pro Juárez. Respecto al caso de Héctor Pérez Córdova, la Secretaría General de Gobierno del estado de Nuevo León manifestó que la denuncia del nombrado era falsa, debido a que ningún interno ha sido objeto de maltrato alguno por parte de elementos de custodia del Centro Preventivo de Readaptación Social Topo Chico, donde el nombrado se encuentra internado. Por otro lado, el Gobierno señaló que en todo el tiempo que se le aplicó la medida correctiva al interno se le suministraron todos sus alimentos, así como los medicamentos que tiene prescritos.

271. Por carta de fecha 13 de noviembre de 2001, el gobierno de México informó respecto al caso de la organización Sin Fronteras IAP enviado por la Representante Especial el 26 de junio de 2001. El gobierno indicó que la Comisión Nacional de Derechos Humanos y la Comisión de Derechos Humanos del Distrito Federal no tienen registrada queja alguna respecto de los hechos cometidos en agravio de la organización. El gobierno estableció que la Procuraduría General de Justicia del Distrito Federal ha manifestado la necesidad de exhortar al representante legal de la organización a efecto de que comparezca ante la Representación y pueda dar inicio a la indagatoria que corresponda.

272. By letter dated 16 November 2001, the Government of Mexico provided information to the Special Representative about the cases of Mr Juan Antonio Vega, Miguel Sarre, Fernando Ruiz, Sergio Aguayo and Edgar Cortez, which were transmitted by the Special Representative on 7 November 2001. The Government of Mexico asserted that the Secretaría de Gobernación had got in touch with each of the above-mentioned persons and that since 1 November 2001 the Procuradoría General de la República had granted protection with escorts to all of them. Regarding Mr. Edgar Cortéz, despite the proposals made by the Secretaría de Gobernación to provide him with a guard, he had reportedly publicly denied that he received such protection. The Government further reported that the investigations into the threats had started on 1 November 2001, under the control of the Procuradoría General de la República.

273. Por cartas de fecha 16 de noviembre, 20 y 21 de diciembre de 2001, el gobierno de México informó respecto al caso de la Sra. Marina Patricia Jiménez Ramírez enviado por la Representante Especial el 19 de octubre de 2001. El Gobierno indicó que la Comisión Estatal de Derechos Humanos de Chiapas decretó medidas cautelares en favor de la Sra. Jiménez Ramírez. Según el gobierno, el 18 de octubre de 2001, el agente del Ministerio Público solicitó implementar dichas medidas y las transmitió al Secretario de Gobierno de Chiapas, al Secretario de Seguridad Pública, al Jefe de Zona de la Policía y al Procurador General de Justicia del Estado. Como parte de las medidas implementadas, se han realizado patrullajes y se cuenta con una presencia policíaca en las inmediaciones del Centro de Derechos Humanos Fray Bartolomé

de las Casas. Asimismo, el gobierno estableció que se colocó un circuito cerrado para vigilar tanto las instalaciones como las afueras de la organización. Se entregó también a dicho centro un automóvil blindado. Por último, se instalará en próximas fechas un sistema de alarmas en el hogar de la Sra. Jiménez Ramírez.

274. By letter dated 30 November 2001, the Government of Mexico informed the Special Representative about the case of Mr. Francisco Gallardo Rodriguez, which was transmitted by the Special Representative on 31 August 2001. The Government reported that General Gallardo had been prosecuted and sentenced to 14 years' imprisonment and 10 years' disqualification for embezzlement, and to 14 years and 8 months' imprisonment and 10 years' disqualification from taking up any position, post or assignment in the Mexican army for destruction, offence and embezzlement. Both sentences had been upheld without accumulation by the military courts of appeal. On 19 February 2001, an appeal of "amparo indirecto" was lodged before the federal courts, requesting the implementation of the recommendations of the Inter-American Court of Human Rights, especially the one relating to the release of General Gallardo. The appeal of amparo has been accepted and is currently under consideration. On 23 July 2001, the Inter-American Court requested information regarding the suitability and the author of the precautionary measures in favour of General José Francisco Gallardo based on his transfer to another cell within the Reclusorio de Neza de Bordo, which was reportedly interpreted as a punishment measure. The prison authorities authorized the return of General Gallardo in order to protect his safety and physical integrity. According to the Government, on 5 November 2001 memoranda were sent to the competent authorities requesting them to implement the precautionary measures requested by the Inter-American Commission and to report on the progress made. Finally, the Government stated that in the present case domestic remedies had not yet been exhausted.

275. By letter dated 3 December 2001, the Government of Mexico informed the Special Representative about the case of Mr. Francisco de la Cruz Mesino, which was transmitted by the Special Representative on 26 September 2001. According to the Government, the facts as reported in the communication are different from those reported in the declarations made by Mr. De la Cruz Mesino's relatives, who stated that he had been injured by firearms near his home and then taken by his relatives to the general hospital in Atoyac, where he died of his injuries. In addition, the Government informed the Special Representative that the place where the murder had taken place was far from being near to Coyuca de Benítez city. The victim's brother has lodged a complaint before the Ministerio Público based in the Distrito Judicial of Galeana, in Atoyac de Alvarez, Guerrero. An investigation is currently under way. According to the Government, the identity of those responsible is still unknown and no civil servant was reportedly involved in these acts.

276. Por carta de fecha 3 de diciembre de 2001, el Gobierno de México respondió a la comunicación enviada por la Representante Especial el 26 de agosto de 2001. Respecto a los casos de la Sra. María Estela García Ramírez y de la Sra. Néstora Ramírez, el Gobierno indicó que según la Procuraduría General de Justicia del Estado de Oaxaca, de las investigaciones realizadas se concluye que en dichos actos de molestia no participaron elementos de ninguna corporación policíaca del Estado. Sin embargo, la Comisión Estatal de Derechos Humanos de Oaxaca formuló a la Procuraduría estatal una medida cautelar respecto al planteamiento de

María Estela García Ramírez, motivo por el cual, se instruyó al Director de la Policía Estatal para que evitara cualquier acto de molestia contra la nombrada, a pesar de que las víctimas no presentaron denuncia alguna.

277. Respecto al caso de Juan López Villanueva, el Gobierno afirmó que los hechos resumidos en la denuncia son exactos, y que su investigación se inició, a través de la denuncia presentada por el nombrado el 19 de enero de 2000, por el delito de amenazas cometido en su agravio en contra de Héctor Carrasquedo y quienes resultaran responsables. Dicha investigación se encontraba a cargo del Titular de la Mesa de Trámite Número Cuatro, adscrita a la Subprocuraduría Regional de Zona Altos, quien, con fecha 31 de mayo 2000, determinó enviar la indagatoria a legajo de reserva por falta de datos en la prosecución de la pesquisa, situación que fue confirmada por el actual fiscal por medio del oficio de fecha 12 de octubre de 2001. Asimismo, la Comisión Estatal de Derechos Humanos emitió, con fecha 6 de noviembre de 2001, una recomendación donde solicitaba a la Procuraduría General de la Justicia del Estado la extracción de reserva en la averiguación previa, entre otras medidas, con motivo de la queja interpuesta por el Presidente de la Liga Mexicana por la Defensa de los Derechos Humanos, por actos cometidos en contra de Juan López Villanueva. Como consecuencia, la Procuraduría de Justicia del Estado giró instrucciones al Subprocurador de Justicia donde se encontraba radicada la causa para el cumplimiento de lo requerido, así como también se dio conocimiento a la Contraloría General del Estado.

278. Respecto al caso de Isaías Martínez Gervacio, el Gobierno informó de que no se encuentra registrada ninguna denuncia ante el Ministerio Público del Distrito Judicial de Galeana en Atoyac de Álvarez (Guerrero).

279. Respecto al caso de Antonio Abadicio Mayo, el Gobierno respondió que se inició con fecha 22 de julio de 2000 la averiguación previa por el delito de homicidio en grado de tentativa cometido en agravio del nombrado y en contra de Filomeno Refugio Zambrano y Delfino Vicario Flores. El Gobierno indicó que tal como surge del libro general de consignaciones de la Procuraduría General de Justicia de Guerrero, el caso se remitió al Juez de Primera Instancia del ramo penal en turno con ponencia de ejercicio de la acción penal y de la reparación del daño en contra de las personas mencionadas como probables responsables de la comisión del delito de homicidio en grado de tentativa cometido en agravio de Antonio Abadicio Mayo. Asimismo, el Gobierno señaló que el proceso se encuentra en etapa de instrucción.

280. Respecto al caso de Marcos Torres Campos, el Gobierno respondió que el nombrado era integrante de la Organización Campesina de la Sierra del Sur (OCSS) y que el mismo fue privado de su vida el 3 de julio de 2001. La Procuraduría Estatal inició la indagatoria instruida por el delito de homicidio por arma de fuego en agravio del nombrado, en contra de quién o quiénes resultaran probables responsables de su homicidio, quienes han sido identificados por la Policía Judicial con fecha de 20 de octubre de 2001. El Gobierno indicó que dicha averiguación previa se encontraba en integración.

281. Respecto al caso de Raúl Gatica Bautista, el Gobierno respondió que a raíz de la denuncia del nombrado y de Inti Ximeni Gatica Martínez, se dio inicio a la averiguación previa a cargo del Juez Sexto de lo Penal del Distrito Judicial del Centro (Oaxaca), y que se encuentra en etapa de instrucción. El Gobierno manifestó que de acuerdo con el informe del Ministerio Público, no se desprende que alguna autoridad o servidor público haya participado en los hechos delictuosos en contra de los nombrados.

282. Respecto a los casos de Maurillo Santiago Reyes y María del Pilar Marroquín Urrestarazu, el Gobierno respondió que ante el Ministerio Público de Tlaxiaco (Oaxaca), se inició la averiguación previa en contra de quien resultaran probables responsables de la comisión del delito de amenazas, en agravio de los nombrados y de Macedonio Moisés Cruz Sánchez. Esta averiguación fue reservada con fecha 19 de diciembre de 2000 por no existir elementos suficientes para establecer quién o quiénes fueron los responsables del delito denunciado. El Gobierno manifestó que no se desprende de la investigación en curso que en los hechos delictuosos haya participado alguna autoridad o servidor público en contra de los nombrados.

283. Respecto al caso de Jaime Cuevas Mendoza, el Gobierno indicó que el nombrado fue atropellado por un coche el 10 de junio de 2001 enfrente de la casa de Antonio Paoli Bolio. La averiguación previa se inició el 11 de junio de 2000 en contra de quienes resultaran responsables por la comisión del delito de lesiones y la misma se encuentra en curso sin que se haya podido hasta el momento identificar los responsables de los hechos.

284. Respecto al caso de Freddy Secundino Sánchez, el Gobierno informó de que de acuerdo con la Procuraduría de Justicia del Distrito Federal, una averiguación previa fue iniciada el 22 de enero de 2001 con motivo de la denuncia presentada por la víctima ante la Unidad de Investigación N° 19 de la Fiscalía de Supervisión y Coordinación de Averiguaciones Previas de la Zona Oriente. Dicha averiguación previa continúa en trámite para determinar los nombres de los responsables de los hechos denunciados.

285. Respecto al caso de Plácido Camargo Ruiz, el Gobierno respondió que a raíz de los hechos denunciados por la familia del nombrado, se inició una investigación previa ante la Agencia 15ª del Ministerio Público. Esta investigación se encuentra en procedimiento de integración a cargo de la Fiscalía de la Seguridad de las Personas e Instituciones. Dicha fiscalía determinó que no había elementos suficientes ni ningún otro medio de prueba para considerar que la desaparición del nombrado se tratara de una privación ilegal de la libertad, por lo cual turnó el presente asunto al Centro de Apoyo a Personas Extraviadas o Ausentes para continuar con la búsqueda de la persona referida. Por otro lado, el Gobierno manifestó que no surge de las declaraciones de la denunciante, ni de los testigos, que Plácido Camargo Ruiz haya desaparecido forzosamente el día 16 de junio de 2000, ni tampoco han señalado como responsables de la desaparición a ningún grupo paramilitar o agentes de la Policía Judicial Federal, y que no existe indicio alguno de que su desaparición se deba a las actividades que el nombrado tuvo durante el paro laboral efectuado por los educadores entre mayo y junio de 2000. El Gobierno señaló que tanto la denunciante como otras personas han recibido llamadas vía telefónica en las cuales les manifestaron que Plácido Camargo Ruiz se encontraba bien y que aparentemente se encontraba viviendo con otra mujer distinta a su esposa, hecho que hasta el momento no se ha podido asegurar.

286. Respecto al caso de Duro Bags Manufacturing, la Procuraduría General de la República del Estado de Tamaulipas informó de que el 19 de junio de 2000 se practicó una inspección ocular y se procedió a la detención de las personas que se encontraban bloqueando la entrada de dicha empresa por existir flagrancia de delito, quienes fueron consignadas ante el juez penal del 13º distrito judicial en la ciudad de Tamaulipas, quien les otorgó la libertad mediante fianza el día 23 de junio de 2000. Con fecha 28 de diciembre de 2000, se dictó sobreseimiento del proceso penal. Asimismo, el Gobierno indicó que la actuación de la fuerza pública ha sido apegada a derecho.

287. Respecto al caso de Gerardo Cabrera González, la Procuraduría General de la República informó de que con fecha 14 de julio de 2001 el nombrado fue puesto a disposición de la Agencia Única del Ministerio Público de la Federación, con sede en Zihuatanejo (Guerrero), por el delito de violación de la Ley federal de armas de fuego de uso exclusivo del ejército, armada y fuerza aérea, lo que motivó el inicio de la averiguación previa, misma que fue consignada al Juzgado Tercero de Distrito en el Estado, dictándose auto de formal prisión el 16 de julio de 2001.

288. Respecto al caso de Angélica Ayala Ortiz, el Gobierno respondió que a raíz de la denuncia presentada por la nombrada con fecha 4 de agosto de 2000, se inició la averiguación previa en contra de quien o quienes resultaran probables responsables de la comisión del delito de robo calificado en su perjuicio, ante la Procuraduría General de Justicia del Estado de Oaxaca, la cual fue reservada con fecha 22 de enero de 2001. El Gobierno manifestó que de dicha investigación no se desprende que alguna autoridad o servidor público haya tenido responsabilidad en los hechos referidos, ni tampoco se tiene la certeza de quién o quiénes hayan sido los probables responsables.

289. Respecto a los casos de Andrés Rubio Sandivary y Rey Miguel Hernández, la Procuraduría General de Justicia del Estado de Guerrero informó de que no existe denuncia interpuesta con motivo de los hechos expuestos en el presente caso.

290. Respecto a los casos de Adrián Ramírez López y Sara Rico Ramírez, el Gobierno respondió que se inició la averiguación previa que fue determinada con propuesta de archivo definitivo el 11 de octubre de 2001, en virtud de no haberse acreditado la infracción a la disciplina militar, y actualmente se encuentra en estudio y opinión con el segundo agente adscrito de la Procuraduría General de Justicia Militar. Asimismo, la Procuraduría General de Justicia Militar informó que los citados acudieron a la diligencia de forma voluntaria y ratificaron su denuncia. Sin embargo, declararon que no les constaban los hechos, toda vez que ellos únicamente eran transmisores de la información proporcionada por el Centro de Derechos Humanos Fray Bartolomé de las Casas y Enlace Civil, A.C.

291. Por carta fechada el 3 de diciembre de 2001, el Gobierno de México informó respecto a los casos de Margil Guerra, Ciro Rodríguez y Mauro Cruz, enviados por la Representante Especial junto con el Relator Especial sobre el derecho a la libertad de opinión y de expresión el 26 de septiembre de 2001. El Gobierno respondió que la Procuraduría General de Justicia Militar no tiene registro de ninguna denuncia interpuesta con motivo de los hechos del presente caso, y señaló que está dispuesto a investigar y dar seguimiento al caso una vez que se presenten las denuncias correspondientes.

292. Por carta de fecha 18 de diciembre de 2001, el Gobierno de México informó respecto a los casos de Melina Hernández y de Aldo González. El gobierno estableció que la Procuraduría General de Justicia del Estado de Oaxaca se encuentra investigando los hechos. Por otra parte, el Gobierno indicó que están siendo acordadas con las autoridades competentes las medidas cautelares con el fin de proteger la vida e integridad física de los nombrados.

293. Por carta de fecha 10 de enero de 2002, el Gobierno de México remitió información en torno a la situación de Manuel y Juan Gómez Hernández, así como de la comunidad indígena de la colonia Los Ángeles en Chiapas. El Gobierno estableció que la Comisión Estatal de Derechos Humanos de Chiapas decretó medidas cautelares a favor de las personas mencionadas y dirigió estas medidas a la Procuraduría General de Justicia del Estado. En el informe rendido por la Policía Judicial del Estado con relación al cumplimiento de las medidas cautelares, se señala que se han efectuado patrullajes de vigilancia en los alrededores de la colonia de Los Ángeles, así como de permanencia discreta para vigilar la zona.

Observations

294. The Special Representative is grateful to the Government of Mexico for its detailed replies to her communications. She further welcomes the commitment made by the authorities to the protection of human rights defenders. In this connection, the Special Representative urges the Government to comply with its obligations investigate fully the murder of Ms. Digna Ochoa and to bring those responsible to justice. She further calls upon the authorities to order the immediate release of General José Francisco Gallardo as recommended by the Inter-American Commission of Human Rights. In a letter dated 14 November 2001, the Special Representative thanked the Government for the invitation extended to her on 31 October 2001. She hopes to undertake this visit in the near future.

MOROCCO

Communications envoyées

295. Le 3 avril 2001, la Représentante spéciale a adressé au Gouvernement un appel urgent concernant M. Abderrahmane Benameur, Président de l'Association marocaine des droits de l'homme (AMDH), M^me^ Amine Abdelhamid, Vice-Présidente de l'AMDH, M. Lahcen Khattar, membre du bureau central de l'AMDH, de même que 33 autres personnes, qui auraient été inculpés suite à une manifestation pacifique, organisée à l'occasion du cinquante-deuxième anniversaire de la Déclaration universelle des droits de l'homme, devant le Parlement du Maroc à Rabat le 9 décembre 2000. La manifestation aurait été organisée afin d'exiger que ceux qui avaient commis des violations des droits de l'homme soient jugés. Les 36 personnes auraient comparu devant la Cour de première instance le 28 février 2001 pour répondre aux accusations de manifester sans autorisation. D'après les informations reçues, les individus susmentionnés seraient passibles de peines allant jusqu'à trois ans d'emprisonnement. Cet appel urgent concernait également M. Noumri Brahim, ex-disparu sahraoui, et M. Elhamed Mahmoud, deux militants du Forum vérité et justice - section Sahara, qui auraient été interpellés par la police marocaine le 24 mars 2001 dans la zone internationale de l'aéroport de Casablanca. Selon les informations reçues, ils se seraient apprêtés à prendre l'avion pour Genève pour assister à la cinquante-septième session de la Commission des droits de l'homme. Au cours de cette

interpellation, la police marocaine aurait saisi leurs passeports, ainsi que les documents, vidéocassettes et disquettes qu'ils souhaitaient présenter à la Commission des droits de l'homme. Ils auraient été relâchés quelques heures plus tard et auraient passé la nuit dans l'enceinte de l'aéroport. En dépit du fait que leurs passeports leur auraient été restitués le lendemain, MM. Noumri et Elhamed se seraient vu interdire de quitter le territoire marocain, sur instruction de la Direction générale de la Sûreté nationale.

296. Le 2 novembre 2001, la Représentante spéciale a envoyé une allégation au Gouvernement marocain concernant le capitaine Mustapha Adib qui aurait été condamné, en février 2000, à cinq ans d'emprisonnement et à la radiation de l'armée par le Tribunal permanent des Forces armées royales. Il aurait dénoncé des faits de corruption s'étant produits à l'intérieur de l'armée et en aurait fait part au journaliste du *Monde*, Jean-Pierre Tuquoi, en 1999. Le 24 juin 2000, cette décision aurait été cassée par la Cour suprême, qui aurait renvoyé l'affaire pour un nouveau jugement au fond. Le 6 octobre 2000, le deuxième jugement du Tribunal permanent des Forces armées royales aurait été rendu à l'encontre de M. Adib, le condamnant à deux ans et demi d'emprisonnement et à sa radiation de l'armée pour «violation de consigne» et «outrage à l'armée». Le 21 février 2001, la Chambre criminelle de la Cour suprême du Maroc aurait rejeté le recours en cassation introduit par le capitaine Mustapha Adib et il purgerait donc actuellement sa peine.

Communications received

297. By letter dated 9 April 2001, the Government responded to the urgent appeal sent on 3 April 2001. Concerning Mr. Adbderrahmane Benameur and Ms. Amine Abdelhamid, the Government informed the Special Representative that the Central Bureau of the Moroccan Human Rights Association (AMDH) had submitted a request to hold a demonstration to mark Human Rights Day. In spite of being notified by the Rabat prefecture that permission had been refused, some people gathered illegally on the public highway, disrupting the traffic. The Government added that in spite of many police warnings to the demonstrators, they persistently refused to disperse, which inevitably resulted in their being arrested and brought before the Rabat court of first instance. The Government informed the Special Representative that they were prosecuted under articles 11 and 14, paragraphs 2, 17 and 21 of the Dahir of 15 November 1958 for holding an unauthorized demonstration and for gathering on the public highway in such a way as to threaten public security. The persons concerned were at liberty when summoned and received all the legal guarantees of a fair trial. As for the cases of Mr. Noumri Brahim and Mr. Elhamed Mahmoud, the Government stated that the information has been transmitted to the competent authorities and that a reply would be sent as soon as possible.

Observations

298. The Special Representative thanks the Government for its reply. She also welcomes the acquittal on 21 November 2001 by the Court of Appeal in Rabat of the 36 human rights defenders who were sentenced on 17 May 2001 to three years' imprisonment and fined 3,000 dirhams for having organized and participated in a demonstration. The Special Representative regrets, however, that the Government was unable to respond positively to the request of the Morocco Human Rights Association for permission to hold a demonstration on

Human Rights Day, which would have been in accordance with the responsibility of the State under article 2 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

NEPAL

Communication sent

299. On 22 November 2001, the Special Representative, together with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal regarding Mr. S. K. Pradhan, Secretary-General of the Peoples Forum for Human Rights and Democracy (PFHRD), an organization based in Nepal. According to the information received, policemen in plainclothes reportedly arrested Mr. Pradhan without a warrant on 19 September 2001 at his home in Kathmandu. It was reported that he was charged with involvement in the murder of Mr. R.K. Budhathoki, Chairman of the Bhutan Peoples' Party (BPP), on 9 September 2001. According to the information received, Mr. S.K. Pradhan was arrested on the basis of written complaints made by Mr. Balaram, BPP Secretary-General, in the absence of any evidence of his involvement in the crime. In addition, at the time of the murder, Mr. S.K. Pradhan was allegedly in Kathmandu as he had just returned from South Africa where he attended the World Conference against Racism. Mr. S.K. Pradhan has been actively associated with the movement for human rights and democracy in Bhutan and has denounced the situation of Bhutanese people and refugees in almost all United Nations forums and world conferences.

Observations

300. No reply from the Government has been received so far.

NICARAGUA

Urgent appeal

301. On 23 May 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal regarding the case of Ms. Vilma Nuñez de Escorcia, President of the Centro Nicaragüense de Derechos Humanos (CENIDH), and other members of the same organization. According to the information received, Mr. José Marenco Cardenal, a member of the Government has reportedly claimed that Ms. Vilma Nuñez de Escorcia and CENIDH have links with the illegal armed group Frente Unido Andrés Castro (FUAC). It was further reported that, on 8 May 2001, when the Government handed over evidence in court, the Fiscal General officially dismissed the Government's claims as unfounded. Despite this, the Government has not retracted its claims and is continuing its smear campaign against CENIDH. Ms. Vilma Nuñez de Escorcia has also reportedly been threatened and harassed by anonymous phone calls and letters, and repeated rumours of plots to kill her. It was also reported that newspapers and radio stations have said

"her death might be the answer to the unrest in northern Nicaragua". In December 2000, the Inter-American Commission on Human Rights reportedly asked the Nicaraguan authorities to provide protection for Ms. Vilma Nuñez de Escorcia and CENIDH. According to the information received, they have been given police protection, but the police investigation into the campaign of death threats has apparently been inadequate.

Observations

302. The Special Representative awaits a reply from the Government.

PALESTINE

Communication sent

303. On 3 September 2001 the Special Representative, together with the Special Rapporteur on torture, transmitted an allegation regarding information according to which the Ramallah Police Commander justified the beating of detainees during a discussion on 7 August 2000 with the Director-General of the Palestinian Society for the Protection of Human Rights and Environment (LAW), Khader Shkirat. When the Director of LAW responded by saying that this violated Palestinian law, the Police Commander allegedly threatened him and told him that he would detain him. He then reportedly asked his guards to take Khader Shkirat out of the police headquarters by force. Later on in August, the Chief of the Palestinian Police Service reportedly issued an order to heads of police districts and detention centres, prohibiting members of LAW from visiting prisons, detention centres, police command centres, and police locations on grounds of Khader Shkirat's "continuous attacks on the Authority". A High Court petition is said to have been lodged challenging the order.

Observations

304. No reply has been received so far.

PERU

Communication sent

305. On 6 June 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal regarding the case of Jenard Lee Rivera San Roque's relatives and neighbours in San Bartolomé, Lima department. According to the information received, Jenard Lee Rivera San Roque died on 9 May 2001 while in detention in Cruz Blanca. It was reported that his body showed evidence of torture. The following day, Jenard Lee Rivera San Roque's relatives organized, jointly with neighbours in San Roque, a demonstration in front of the Cruz Blanca police station to protest the killing. During the protest, the police reportedly took photographs of the demonstrators and afterwards asked questions about them. It was reported that, on 19 May 2001, Ms. Gina Requejo, the lawyer of the victim's relatives, reportedly received a phone call from an anonymous caller,

who said "do not search anymore, investigate anymore". It was further reported that such intimidation was aimed at dissuading the relatives and their lawyer, as well as the other demonstrators, from bringing to justice those responsible for the torture and killing of Jenard Lee Rivera San Roque. Fears have been expressed for their safety.

Communications received

306. By letter dated 28 September 2001, the Government of Peru informed the Special Representative that an investigation was being conducted into the complaint submitted by Ms. Migda Mirtha Rivera San Roque through the Human Rights Committee that a crime against humanity by means of torture followed by death had been committed by Lieutenant Julio César Oliva Cuneo and others. This complaint was brought before Dr. Ricardo A. Gómez Hurtado, provincial prosecutor in the First Provincial Criminal Prosecutor's Office in Huaura, Lima, and a decision is pending. The Government further indicated that since the Public Prosecutor's Department was conducting the criminal proceedings, its decision would be binding and it was therefore not possible to provide further information on this case. In addition, the Government reported that the Ministry of the Interior had brought administrative-disciplinary proceedings in the Second National Police Judicial Division against Officer Julio Castro Reyes and Officer Mario Mayta Yupanqui, members of the Vehicular Robbery Investigation Section of the Huacho Road Traffic Safety Division, for alleged commission of the offence of disobedience.

Observations

307. The Special Representative thanks the Government for its reply. She would be grateful to the Peruvian Government to be kept informed of the measures taken to address the harassment and intimidation suffered by the lawyer of Jenard Lee Rivera San Roque and his family.

REPUBLIC OF KOREA

Communication sent

308. On 2 November 2001, the Special Representative, together with the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal regarding Mr. Dan Byuong-ho, president of the Korean Confederation of Trade Unions (KCTU). According to the information received, the authorities issued an arrest warrant for Mr. Dan Byuong-ho in June 2001 for leading the KCTU campaign for workers' rights in 2001. It was also reported that Mr. Dan Byuong-ho had previously been imprisoned in connection with his efforts to promote basic labour standards, but was released in August 1999 as a part of the general presidential amnesty. At that time, he still reportedly had two months and four days left of his sentence. It was further reported that an agreement was reached between the KCTU and the Government on 2 August 2001, according to which Mr. Dan Byuong-ho would return to prison to serve his remaining time and the authorities would stop bringing new charges against him in relation with the KCTU campaign in 2001. It was also reported that, on 28 September 2001, a few days before Mr. Dan Byuong-ho's release on 3 October 2001, the authorities issued a new arrest warrant, enabling them further to hold him in detention for investigation and trial. Since then, Mr. Dan Byuong-ho has reportedly been in prison and the authorities have allegedly denied that an agreement between the Government and the KCTU ever existed.

Communications received

309. By letter dated 21 December 2001 the Government informed the Special Representative that Mr. Dan had been arrested and imprisoned on a charge of leading illegal labour-related activities and had later been granted general amnesty and released in August 1999. The Government stated that, from December 1999 to July 2001, Mr. Dan continued to lead more than 10 illegal strikes and violent demonstrations. Holding Mr. Dan accountable for the aforementioned acts, the government authorities repealed the suspension of execution previously granted to him and he returned to prison to serve his remaining sentence. The Government assured the Special Representative that it had never agreed to stop bringing new charges against Mr. Dan in connection with the KCTU campaign in 2001. The Government stated that the strikes and demonstrations led by Mr. Dan had proved to be politically motivated and organized with the aim of undermining economic restructuring.

Observations

310. The Special Representative thanks the Government for its reply.

RUSSIAN FEDERATION

Communications sent

311. On 5 June 2001, the Special Representative, together with the Special Rapporteur on torture, sent an urgent appeal concerning Dik Alterimov, a Chechen human rights activist and former Minister for Tourism and Sport and Vice President of the Chechen Republic with responsibility for social and humanitarian issues. He was reportedly arrested by Russian federal forces on 24 May 2001 in Grozny. The official reason for his arrest is said to be his alleged participation in activities of Chechen armed groups. It is nevertheless believed that he was held solely for his involvement in human rights activities in favour of victims of the armed conflict in Chechnya, since he is known to oppose the tactics adopted by Chechen armed groups and to have criticized the activities of Islamic fundamentalist groups in Chechnya.

312. On 10 August 2001, the Special Representative, jointly with the Special Rapporteur on torture, transmitted an allegation regarding Sergei Grigoryants, the head of the Glasnost Foundation, an organization involved in the defence of human rights. He was reportedly kicked by masked men who entered the offices of the Foundation located in a residential building on Tsvetnoi Bulvar, in central Moscow, on 29 August 2000. According to the information received, 10 commandos and a police lieutenant, who was believed to have identified himself as being from the 18th precinct, at gunpoint ordered everyone present in the Foundation's office, i.e., about 12 persons, including a 10-year-old girl, to lie face down on the floor with their hands behind their heads. It was believed that this incident is related to the work of the Foundation

313. On 30 October 2001, the Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal concerning Ms. Anna Politkovskaia, a Russian journalist for the weekly newspaper *Novaya gazeta* who was reportedly forced to flee from Russia and take refuge in Austria. Ms. Politkovskaia is a renowned journalist who has published many articles

denouncing human rights violations committed by Russian forces in Chechnya, for which she received the Amnesty International Human Rights Prize for journalists in April 2001. According to the information received, Ms Politkovskaia received several death threats following the publication on 10 September 2001 of an article about Serguei Lapin, a Russian official whom Ms. Politkovskaia accused of having committed exactions against Chechen civilians. Ms. Politkovskaia is said to have received e-mails on 15 September and 10 October 2001 mentioning that Officer Lapin would come to Moscow to get his revenge on the journalist.

314. On 12 November 2001, the Special Representative sent an urgent appeal, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, regarding Mr. Imran Elsheyev, a human rights defender and a leader of the Russo-Chechen Friendship Society, who was reportedly arrested on 13 October 2001, near Karabulak, Ingushetia, by the Federal (Russian) authorities (FSB) after having had contacts with researchers from the Norwegian Helsinki Committee (NHC). According to the information received, he was taken to Grozny and was detained in a FSB facility (Leninskij RVD); no formal charges have been made public against him. The Russo-Chechen Friendship Society is a humanitarian organization that deals with the situation of internally displaced persons from the war in Chechnya. It has been reported that the NHC met several times with the Friendship Society during its visit to Ingushetia from 30 September to 5 October 2001. The Friendship Society reportedly assisted the Committee's visits to a number of so-called spontaneous settlements. According to the information received, Mr. Elsheyev and his colleagues told the NHC on 4 October 2001 that they had received a visit from the FSB the evening before and had been warned against meeting with "those foreigners".

Communications received

315. By letter dated 27 July 2001, the Government responded to the urgent appeal sent on 5 June 2001 concerning the case of Dik Alterimov. The Government assured the Special Representative that the Office of the Procurator General of the Russian Federation, the Office of the Procurator of the Chechen Republic and the Grozny City Procurator had checked the claims made in the communication regarding the allegedly unlawful detention and disappearance of Mr. D. Altemirov. The Government informed the Special Representative that Mr. Altemirov was indeed arrested in Grozny on 24 May 2001 on suspicion of involvement with an illegal armed formation (pursuant to the Federal Anti-Terrorism Act of 25 July 1998). He was released upon completion of relevant checks and was never subjected to any kind of physical violence or psychological pressure. He had no complaints about his conditions of detention and had made a written statement to that effect. Mr. Altemirov was currently living at home in Grozny.

316. By letter dated 26 September 2001, the Government responded to the allegation transmitted on 10 August 2001 regarding Mr. Grigoryants, the head of the Glasnost Foundation. The Government informed the Special Representative that it had provisionally been established that the Meshchansky District Internal Affairs Department of the Internal Affairs Directorate of the Moscow Central Administrative District had received a collective communication from residents of Building 5, 22 Tsvetnoy Bulvar, Moscow, concerning the illegal use as offices of three rooms in communal apartment No. 40 in the same building. The said apartment, which

comprises four rooms, is municipally owned. Mr. M.I. Arshinov was registered as living in one of the rooms; the others are unoccupied. In the course of an inspection on 27 July 2000, it was discovered that the sealed rooms had been opened and were illegally being used as offices by the Glasnost Foundation. On 28 August 2000, following a meeting of the heads of the Sretenka District Operating Board, Internal Affairs Department officers inspected without violence apartment No. 40 and checked the identity papers of the people whom they found there. It was discovered that Mr. S.I. Grigoryants had without permission installed office equipment, copying machines, telephones and faxes in the three unoccupied rooms. The Government informed the Special Representative that Mr. S.I. Grigoryants had already submitted a similar complaint under the 1503 procedure.

317. By letter dated 7 December 2001 the Government responded to the urgent appeal sent on 30 October 2001 regarding Ms. Anna Politkovskaia. The Government informed the Special Representative that on 11 and 15 October 2001 anonymous threats addressed to Ms. Politkovskaya were indeed e-mailed to the editorial office of the weekly newspaper *Novaya gazeta*. The Moscow Central Department of Internal Affairs had taken steps to identify the authors of the threats and to document any subsequent threats e-mailed to the editorial office of *Novaya gazeta*. The Government stated that verification of the information was being supervised by the Central Criminal Investigation Department of the Ministry of Internal Affairs and would be completed when Ms. Politkovskaya returned from abroad. The Government specified that Ms. Politkovskaya herself had not notified the procuratorial agencies, the Federal Ministry of Internal Affairs or its local branches of any threats. The Government added that the allegation that she had been forced to seek political asylum outside the Russian Federation had not been corroborated by the editorial office. The Government assured the Special Representative that no one had prevented Ms. Politkovskaya from publishing articles on the situation in the Chechen Republic, even though the facts presented in her articles had not been objectively corroborated when checked.

318. By letter dated 20 December 2001 the Government responded to the urgent appeal sent on 12 November 2001 regarding Mr. Imran Elsheyev. The Government informed the Special Representative that an investigation had been undertaken and nothing was found to support the allegation that Mr. Ezheev was detained or arrested by units of the Russian Federal Security Service, local security agencies, military security units or staff operating in the territory of the Republic of Ingushetia and the Chechen Republic. The Government added that the investigation had established that Mr. Ezheev was detained on 13 October 2001 by internal affairs officers in the village of Yandar in the Republic of Ingushetia of the Russian Federation. He was detained pursuant to a request from the Aktobe Oblast Internal Affairs Authority in the Republic of Kazakhstan. The Government affirmed that information was received on 9 November 2001 from the Aktobe Oblast Internal Affairs Authority in Kazakhstan indicating that the offence committed by Mr. Ezheev was subject to an amnesty to mark the tenth anniversary of the adoption of the Declaration of State Sovereignty of the Republic of Kazakhstan. Whereupon, pursuant to a decision of the Acting Procurator of the Chechen Republic of the Russian Federation, Mr. Ezheev was released from custody. Nothing was found to support the allegations made in the inquiry that Mr. Ezheev was arrested on account of human rights activities.

Observations

319. The Special Representative thanks the Government for its replies. She was informed that on 20 November 2001, Mr. Imran Elsheyev (urgent appeal dated 12 November 2001) was released by the Prosecutor General of the Chechen Republic, Mr. V. Chernov, who offered an official apology for this illegal detention. The Special Representative remains concerned about the situation of Ms. Anna Politkovskaia and wishes to be kept informed of further developments.

RWANDA

Communication envoyée

320. Le 4 mai 2001, la Représentante spéciale a envoyé un appel urgent concernant Théobald Rwaka, ancien Ministre de l'intérieur et fondateur de l'organisation non gouvernementale LIPRODHOR, qui serait porté disparu depuis le vendredi 27 avril 2001. Il aurait quitté son domicile à Kigali vers 18 heures à bord d'un véhicule non identifié à la suite d'un appel téléphonique. Depuis, sa famille et ses collègues seraient sans nouvelles de lui. Selon les informations reçues, Théobald Rwaka aurait été démis de ses fonctions de Ministre de l'intérieur le 16 mars 2001, après avoir été accusé de communiquer des informations aux organisations non gouvernementales de défense des droits de l'homme. Des craintes ont été exprimées quant au fait que sa disparition soit liée à son engagement en faveur des droits de l'homme.

Observations

321. La Représentante spéciale regrette qu'aucune réponse du Gouvernement ne lui soit parvenue.

SINGAPORE

322. In a communication dated 25 July 2001, the Special Representative requested the Government to extend an invitation to her to carry out an official visit to Singapore. No reply has been received so far.

SRI LANKA

Communication sent

323. The Special Representative, together with the Special Rapporteur on torture, sent an urgent appeal on 2 August 2001 and an allegation on 30 August 2001 concerning the arrest of Thivyan Krisnasamy, a student of the Science Faculty at the University of Jaffna and former secretary of the Jaffna University Students Union. The army reportedly arrested him on 2 July 2001, in Inuvil. According to the information received, Mr. Krisnasamy has also been heavily involved in the "Tamil Upsurge" movement, a non-violent movement that is protesting against the State armed forces, demanding self-determination for the Tamils and calling for an end to the current conflict. Since 1996, Mr. Krisnasamy has also reportedly been active in

protesting against large-scale disappearances in Jaffna and violations committed by the Sri Lankan armed forces, such as sexual violations of Tamil women. It is believed that his arrest was connected with these activities. According to the information received, he was accused of being a member of the Liberation Tigers of Tamil Eelam (LTTE) and of conducting "subversive activity". It is believed that Mr. Krisnasamy has been tortured during his detention, in order to get him to make a false confession that he is involved with the LTTE, which can then be used against him as evidence in a trial.

Communications received

324. On 6 December 2001, the Government informed the Special Representative that on 2 July 2001, following the receipt of information that a group of LTTE cadres, posing as civilians, were moving around in the area of Uralu in the Jaffna Peninsula, a team of army personnel had been deployed to conduct search operations. Mr. Krisnasamy was arrested while trying to escape after the team had ordered him to stop and was then detained under the provisions of the Prevention of Terrorism Act. The Government stated that he was in possession of an automatic weapon and that consequent to detailed interrogation some detonators and ammunition were found in a little safe house in Urumbirai. The Government added that the investigations revealed that the suspect had been in charge of LTTE activity within the Jaffna University. The Government also stated that upon consideration of the investigation material, the Attorney-General had indicted the suspect in the High Court of Jaffna and filed three cases against him under the Prevention of Terrorism (Temporary Provisions) Act of 1979.

325. On 13 December 2001, the Government of Sri Lanka sent a communication to the Special Representative to inform her of the creation of the Directorate of Human Rights and Humanitarian Law in the Sri Lanka Army. This Directorate will be mandated to implement the directives of the Commander of the Sri Lanka Army relating to human rights and to oversee the implementation of human rights norms and standards, in line with domestic constitutional and other legal provisions and those relating to international human rights law.

Observations

326. The Special Representative thanks the Government for its reply.

SUDAN

Communications sent

327. On 18 December 2000, the Special Representative, together with the Special Rapporteur on torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning four lawyers, Messrs. Saatie Mohammed al-Haj, Hadi Ahmed Osman, Ghazi Suleiman and Ali Mahmoud Hassanaian, members of the National Alliance for the Restoration of Democracy (NARD), who were arrested in their offices in Khartoum. Although no official reason was given, it was alleged that they were detained in connection with the arrest, on 6 December 2000, of seven leading opposition politicians during a meeting with a

United States diplomat in Khartoum. It was further alleged that these four lawyers had signed a petition to the Justice Ministry protesting the detention of the seven politicians. They have not been formally charged and have, since their detention, been held incommunicado, without access to their lawyers, families or medical treatment.

328. On 13 March 2001, the Special Representative, together with the Special Rapporteur on torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning Dr. Nageeb Nigim El Din, a member of the Sudanese Victims of Torture Group (SVTG) and the International Rehabilitation Council for Torture Victims (IRCT), who was arrested on 11 March 2001 by the security forces. The security forces allegedly confiscated the computers of the Amal Centre for Rehabilitation of Victims of Physical and Mental Trauma situated in northern Khartoum, all of the files of the patients at the centre and some other documents. Dr. Nageeb Nigim El Din was allegedly held at the offices of the security forces in Khartoum on Mohamed Nageeb Street before being transferred to Kober prison. The information received indicates that he was due to meet the Special Rapporteur on the situation of human rights in the Sudan, Mr. Gerhard Baum, on 13 March 2001, and that the security forces have accused him of preparing lists of victims of torture for the Special Rapporteur. The information further indicates that Dr. Nageeb Nigim El Dim has been arrested seven times since 1989 and has spent over four years in prison.

329. On 21 June 2001, the Special Representative sent an urgent appeal, jointly with the Special Rapporteur on torture and the Special Rapporteur on the situation of human rights in the Sudan, regarding Faisal el Bagir Mohamed, a journalist and member of the SVTG. On 13 June 2001, he was reportedly arrested at home in Khartoum and the security forces searched his house, confiscating his computer and fax machine, as well as various documents. They reportedly had no search warrant and gave no reason for his arrest. According to the information received, Mr. Bagir Mohamed was taken away to be interrogated and was released later on the same evening, but was told to report to the security headquarters the following day. When he did so, he was reportedly rearrested. He has since allegedly been held incommunicado. It was reported that shortly before his detention, Faisal el Bagir Mohamed had met with the Ministry of Justice twice to seek permission for the SVTG and the Amal Centre to celebrate the United Nations International Day in Support of Victims of Torture on 26 June 2001.

330. On 19 October 2001, the Special Representative, together with the Special Rapporteur on the situation of human rights in the Sudan, sent an urgent appeal concerning a series of operations allegedly launched by the Sudanese security authorities against several civil society organizations. It was reported that the following organizations were targeted, the Abduulkareem Margani Cultural Centre, the Centre for Sudanese Studies, the Gender Centre, the Amal Centre for the Rehabilitation of Victims of Physical and Mental Trauma and the Khartoum Centre for Human Rights Studies. According to the information received, the director of the Centre for Sudanese Studies, Dr. Hydar Ibrahim Ali, was summoned to the security forces headquarters on 9 October 2001. He was reportedly interrogated about the activities of the Centre and was ordered to suspend all the Centre's activities until further notice. It was also reported that Mr. Hydar Al-halab, director of the Abdulkareem Margani Cultural Centre, was also summoned on the same day, together with the director of the Gender Centre. Dr. Nagib Nagm Eldin, director of the Amal Centre, was reportedly likewise summoned to the security forces

headquarters on 10 and 11 October 2001. He was reportedly interrogated about the Centre's activities by security officers, who informed him that the Centre would be under permanent surveillance for a period of two months, after which they would decide about its future. Mr. Faisal Al-bagir, a member of staff of the Khartoum Centre for Human Rights Studies, was reportedly summoned on 9 October 2001 to the security forces headquarters and questioned about his demands that the security forces return the Centre's equipment, which they had confiscated during his arrest in June 2001. Representatives of the Amal and Khartoum Centres were told by security officers that they would be under continued surveillance.

Observations

331. The Special Representative welcomes the release on 26 June 2001 of Mr. Faisal el Bagir Mohamed and the release on 29 March 2001 of Dr. Nageeb Nigim El Din. She still, however, awaits a reply from the Government to her communications.

SYRIAN ARAB REPUBLIC

Communications sent

332. On 13 August 2001, the Special Representative, together with the Special Rapporteur on torture and the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal concerning independent Member of Parliament and human rights defender Mamun al-Humsi, who was arrested on 9 August 2001 in the National Assembly building in Damascus. Mamun al-Humsi, who has represented a Damascus constituency for 11 years, had reportedly begun a hunger strike at his office some 48 hours before he was arrested, in protest against the continued application since 1963 of the Syrian emergency laws, under which the authorities have sweeping powers to suppress dissent. In June 2001, he had called for a parliamentary human rights committee to be set up and was also active within the newly emerging human rights and civil society movement in Syria. Mr. Mamun al-Humsi has allegedly been charged with offences including "insulting the Constitution, opposing the Government and engagement in intelligence with foreign quarters". These offences, which are tried by the Supreme State Security Court, carry sentences of up to 15 years' imprisonment. It was also reported that Mr. Mamun al-Humsi is reportedly being held incommunicado at the Adra prison, and is allegedly denied his rights to legal representation, access to his family and access to medication for his diabetes, which he takes regularly. It is also reported that under the state of emergency, political opponents of the Government can be arrested and detained indefinitely.

333. On 14 September 2001, the Special Representative sent an urgent appeal jointly with the Special Rapporteur on torture and the Special Rapporteur on freedom of opinion and expression regarding the following nine political opposition activists who are said to have been arrested since 1 September 2001: Riad Turk, a lawyer and the first secretary of the "Syrien-Bureau Politique" Communist party; Riad Seif, a parliamentarian from Damascus; Kamal Labouani, an old doctor and member of the Committee for the Defence of Human Rights (CDF) administrative council and the editorial committee of the "AMARJI" publication; Aref Dalila, a Damascus University professor and founding member of the "Commissions de la renaissance de

la société civile" (CRSC) movement; Habib Saleh, a businessman from Tartus and CRSC activist; Hassan Sa'Doun, from the Al-Hassaka region of northern Syria and a debate forum activist; Walid Al-Bouni, a doctor and "national dialogue" forum organizer; Habib Issa, a lawyer and spokesperson for the "Jamal Attassi" forum; Fawaz Tello, an engineer and member of the "dialogue national" forum.

334. On 15 November 2001, the Special Representative sent an urgent appeal concerning Mr. Aktham Naisseh, president of the Syrian Committee for Human Rights, and one of its members, Dunia Khawla. According to the information received, on 5 November 2001 Mr. Naisseh was prevented from leaving the airport to go to a conference organized by the International Federation for Human Rights in Belgium, although he had previously obtained a visa, as well as administrative authorization to leave Syria. The following day, Mr. Naisseh was reportedly asked to go to the Palestine section of the Intelligence Services. As for Ms. Dunia Khawla, she reportedly could not obtain a visa to go to the same conference. Furthermore, on 9 October, Mr. Naisseh was asked by the security forces to go to the Palestine section of the Intelligence Services after he distributed a petition relating to the arrests which took place in Beirut at the beginning of September during a seminar organized by the International Federation for Human Rights.

Observations

335. The Special Representative regrets that at the time of the finalization of this report the Government had not transmitted any reply to her communication.

TANZANIA

Communication sent

336. On 30 November 2001, the Special Representative sent, jointly with the Special Rapporteur on the independence of judges and lawyers, an urgent appeal regarding the arrest and interrogation of Mr. Rugemeleza Nshala, president of Lawyers' Environmental Action Team (LEAT), a public interest law firm, part of the Environmental Law Alliance Worldwide (E-LAW) network dedicated to the protection of the environment through law and advocacy. It was reported that Mr. Nshala was representing small-scale miners in Tanzania who are complaining about the death of some 50 colleagues during the eviction by force of thousands of miners from the Bulyanhulu area in August 1996. This action was allegedly carried out in order to enable the Canadian-owned conglomerate, Kahama Mining Company Ltd. (KMCL), supported by the Government of Tanzania, to take hold of the property. It was reported that, on 24 November 2001, the police raided the offices of LEAT in Dar es Salaam and seized a videotape and some of the evidentiary material in the case. Mr. Nshala was reportedly arrested and interrogated for about five hours. It was also reported that he was released on police bail and required to report daily to the police. He was allegedly accused of "sedition", along with two other LEAT members, Mr. Tundu Lissu and Ms. Augustine Mrema. According to the information received, this arrest and search followed a press conference held by LEAT on 19 November 2001 during which the organization asked for an international commission of inquiry to investigate the Bulyanhulu massacre of August 1996.

Observations

337. No reply from the Government has been received so far.

TOGO

Communications envoyées

338. Le 1er octobre 2001, la Représentante spéciale a envoyé un appel urgent concernant Me Yawovi Agboyibo, Président du Comité d'action pour le renouveau (CAR), fondateur de la première commission nationale des droits de l'homme en Afrique et ex-membre de la Commission pontificale Justice et Paix. D'après les informations reçues, Me Agboyibo aurait été condamné le 3 août 2001 à six mois de prison ferme et à 100 000 francs CFA d'amende par le tribunal correctionnel de Lomé suite à une plainte pour diffamation intentée par M. Agbéyomé Kodjo, actuel Premier Ministre. Cette condamnation ferait suite à la "réactivation" d'une plainte déposée le 23 octobre 1998 par M. Kodjo à l'encontre de Me Agboyibo qui aurait demandé au Ministre de l'intérieur et de la sécurité, dans un communiqué du CAR, d'ouvrir une enquête sur des actes criminels commis par une milice armée prétendant agir sur approbation de M. Kodjo. Il n'y aurait eu aucune suite donnée à cette plainte puisque Me Agboyibo était alors membre du Parlement et bénéficiait de l'immunité. D'autre part, les informations reçues indiquent que la détention de Me Agboyibo pourrait également être liée au fait qu'il aurait rencontré les membres de la Commission d'enquête de l'Organisation des Nations Unies et de l'Organisation de l'unité africaine créée le 7 juin 2000, à la demande du Gouvernement togolais. Cette commission était chargée de vérifier les allégations d'Amnesty International sur les exécutions extrajudiciaires commises au Togo à l'occasion des élections présidentielles de juin 1998. Selon les informations reçues, au moins une douzaine de personnes ayant témoigné devant la Commission d'enquête ONU-OUA auraient fait l'objet de représailles depuis la publication de ce rapport en février 2001. Ces personnes auraient été victimes d'intimidations et de menaces, tandis que d'autres auraient été contraintes de fuir le Togo.

339. Le 29 octobre 2001, la Représentante spéciale a envoyé un appel urgent concernant de nouvelles informations portant sur Me Yawovi Agboyibo, qui aurait été accusé, le 21 septembre 2001, de s'être rendu complice du "groupe de malfaiteurs de Sendomé, dirigé par Kodjovi Akomabou, en lui apportant aide et assistance sous forme d'encouragement". Selon les informations reçues, ce groupe de malfaiteurs serait celui dont Me Agboyibo aurait dénoncé les agissements dès 1997, auprès du Préfet de Yoto, du commandant de la brigade de gendarmerie de Tabligbo, de M. Agbéyomé Kodjo, actuel Premier Ministre, et du Ministre de l'intérieur et de la sécurité. Cette seconde accusation, qui rend Me Agboyibo passible d'un à cinq ans d'emprisonnement, aurait pour but de rendre Me Agboyibo inéligible aux prochaines élections.

Observations

340. The Special Representative regrets that at the time of the finalization of this report the Government had not transmitted any reply to her communications. She would also like to reiterate her concerns over a credible report alleging that several persons or organizations had received threats or suffered reprisals for cooperating with the International Commission of Inquiry for Togo. In this regard, the Special Representative would like to recall article 12.2 of

the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration". The Special Representative would also remind the Government of Commission on Human Rights resolution 2001/11, entitled "Cooperation with representatives of United Nations human rights bodies", which "urges Governments to refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or have provided testimony or information to them".

TUNISIA

Communications envoyées

341. Le 10 janvier 2001, la Représentante spéciale, conjointement avec le Rapporteur spécial sur l'indépendance des juges et des avocats, a envoyé un appel urgent concernant M[e] Nejib Hosni, avocat reconnu dans le domaine des droits de l'homme, membre du Conseil national pour les libertés en Tunisie (CNLT) et lauréat de plusieurs prix internationaux pour son travail de protection et de promotion des droits de l'homme. D'après les informations reçues, M[e] Hosni aurait été condamné le 18 décembre 2000 à 15 jours d'emprisonnement ferme pour exercice non autorisé de sa profession, puis arrêté le 21 décembre 2000 à son domicile de El Kef où il aurait été battu par le chef de la police judiciaire locale lors de son arrestation. Alors que M[e] Hosni aurait dû être relâché le 5 janvier 2001 après avoir purgé sa peine, il aurait été maintenu en détention pour une durée allant jusqu'à cinq ans et demi, suite à une décision des autorités tunisiennes de révoquer ainsi la mesure de libération conditionnelle qui lui avait été accordée en 1996. Selon les informations reçues, Nejib Hosni aurait été reconnu coupable d'avoir enfreint "une mesure d'interdiction de l'exercice de sa profession" d'avocat, émise en janvier 1996 pour une durée de cinq ans. Les informations reçues mentionnent que l'interdiction imposée à M[e] Hosni d'exercer sa profession aurait été prise arbitrairement sans l'aval du Conseil de l'ordre des avocats. Le Conseil aurait d'ailleurs émis en avril 2000 un document autorisant M[e] Hosni à exercer son métier et certifiant qu'il était régulièrement inscrit au barreau.

342. Le 27 juin 2001, la Représentante spéciale, conjointement avec le Rapporteur spécial sur la liberté d'opinion et d'expression, a envoyé un appel urgent concernant M[me] Sihem Ben Sedrine, propriétaire de la maison d'édition "Aloes", directrice du magazine en ligne *Kalima* et porte-parole du Conseil national pour les libertés en Tunisie (CNLT). D'après les informations reçues, M[me] Ben Sedrine aurait été interpellée le 26 juin 2001 à l'aéroport de Tunis-Carthage de retour de Marseille pour être déférée devant un juge d'instruction. Elle se serait vu notifier son placement en détention jusqu'au 5 juillet avant d'être transférée à la prison pour femmes de la Manouba, située dans la banlieue ouest de Tunis. Selon les informations reçues, l'interpellation de M[me] Ben Sedrine serait consécutive à une information judiciaire ouverte par un juge tunisien pour "diffamation", "outrage à magistrat" et "atteinte à l'autorité de justice",

suite à des propos tenus les 17 et 24 juin 2001 dans l'émission "Le Grand Maghreb" sur la chaîne arabe "Al Mustaquilla" ("L'Indépendante"), basée à Londres. M^me^ Ben Sédrine y aurait notamment abordé la question de la corruption en Tunisie et fait référence à des propos tenus par un magistrat tunisien lors d'une audience publique.

343. Le 19 octobre 2001, la Représentante spéciale a transmis au Gouvernement tunisien une allégation concernant les cas suivants :

344. La Ligue tunisienne de défense des droits de l'homme (LTDH) ferait l'objet de poursuites judiciaires depuis le 27 novembre 2000 suite à une décision judiciaire provisoire ordonnant au Comité directeur nouvellement élu de quitter les bureaux, lui interdisant d'agir au nom de la LTDH et le remplaçant par un administrateur nommé par le tribunal. D'après les informations reçues, cette décision judiciaire serait le résultat d'une plainte portée par quatre congressistes battus lors des élections du Comité directeur et dont les liens avec le pouvoir seraient manifestes. Selon les informations reçues, une décision de la Cour d'appel de Tunis aurait été rendue le 21 juin 2001, confirmant la décision du tribunal de première instance du 12 février 2001 annulant les élections du congrès de la Ligue. Le Comité directeur actuel de la Ligue, élu au terme de ces élections déclarées illégitimes, se verrait ainsi dépourvu de tout statut légal. La Cour d'appel aurait aussi décidé de suspendre l'administrateur judiciaire nommé le 27 novembre 2000. Dans ce même jugement, la Cour d'appel ordonnerait à ce même Comité directeur d'organiser, dans un délai d'un an, la tenue de nouvelles élections. Depuis la décision de la Cour d'appel, la LTDH continue à dénoncer les violations des droits de l'homme en Tunisie, ce qui lui aurait valu une convocation au Ministère de l'intérieur, qui lui aurait interdit toute autre activité que l'organisation de nouvelles élections.

345. M^e^ Mokhtar Trifi, Président de la LTDH, aurait comparu le 10 mars 2001 devant le juge d'instruction pour être entendu concernant les chefs d'accusation de propagation, faite de mauvaise foi, de fausses nouvelles susceptibles de troubler l'ordre public et de refus de se conformer à une décision judiciaire. Ces chefs d'accusation lui auraient été notifiés le 3 mars 2001 et seraient liés à un communiqué émis par M^e^ Trifi le 12 février 2001 dans lequel il aurait commenté le jugement rendu le même jour dans le procès concernant la LTDH. La comparution aurait été reportée par manque d'espace pour tous les avocats venus supporter M^e^ Trifi.

346. M^me^ Khedija Chérif, sociologue, membre fondateur du Conseil national pour les libertés en Tunisie (CNLT) et membre du Conseil d'administration de l'Association tunisienne des femmes démocrates (ATFD), aurait fait l'objet, le 10 mars 2001, d'une agression physique devant le palais de justice de Tunis. M^me^ Chérif était venue apporter son soutien à M^e^ Trifi, appelé à comparaître devant le juge d'instruction. À sa sortie du palais, un agent des services de sécurité habillé en civil l'aurait agressée et lui aurait arraché le dossier qui se trouvait dans son sac. Le dossier qui lui aurait été volé contenait des photos et des documents concernant la première agression par des policiers dont elle aurait été victime le 1er mars 2001. Il a aussi été rapporté que le 24 mars 2001, M^me^ Chérif n'aurait pas pu assister, en tant que membre, au Conseil d'administration d'Internet des droits humains, une organisation non gouvernementale basée au Canada, puisqu'il lui aurait été interdit de quitter le territoire tunisien.

347. M[e] Anouar Kousri, Vice-Président de la LTDH et membre du Comité directeur, ferait l'objet d'une surveillance constante par la police civile depuis qu'il aurait publié, en 2000, une liste commentée des agents de la sûreté du nord de la Tunisie prétendus coupables de persécutions, de harcèlement et de torture. De même, il a été rapporté que suite à la plaidoirie, le 14 mars 2001, de M[e] Kousri, avocat de la partie civile dans le procès de policiers impliqués dans le décès du jeune tunisien Ridha El Jeddi, les alentours de son domicile et de son bureau auraient été investis par des policiers en civil qui auraient multiplié les menaces à son égard, envers ses proches et ses clients.

348. M[me] Souhayer Belhassen, Vice-Présidente de la LTDH chargée des relations internationales, aurait été agressée par des policiers en civil, le 14 avril 2001, à l'aéroport de Tunis-Carthage. M[me] Belhassen rentrait d'Europe où elle avait défendu le dossier des droits de l'homme en Tunisie et de la LTDH, auprès des instances des Nations Unies, du Parlement européen et d'ONG internationales. Lorsque M[me] Belhassen s'est rendue au poste de police pour porter plainte, les agents de police auraient refusé d'enregistrer sa déposition.

349. M. Fathi Chamkhi, Président du Rassemblement pour une alternative internationale de développement (RAID), aurait été insulté et menacé le 2 mai 2001 par des policiers en civil postés en faction quasi permanente devant son domicile. Il a aussi été rapporté que le 1[er] mai 2001, son fils de 8 ans qui revenait de l'école aurait été interrogé par deux individus sur sa famille, tout en lui tenant les mains. Cet incident ferait suite à la coupure du téléphone de M. Chamkhi et à l'interception de son courrier. Selon les informations reçues, M. Chamkhi aurait également été condamné à un mois de prison en juin 2000 pour avoir été impliqué dans des organisations non autorisées. Lors de son arrestation, on aurait trouvé en sa possession des rapports du RAID et du CNLT.

350. Le docteur Mouncef al-Marzouki, défenseur des droits de l'homme et ancien porte-parole du CNLT, a été condamné le 30 décembre 2000 à huit mois de prison ferme pour "appartenance à une association illégale" et à quatre mois de prison ferme pour "diffusion de fausses informations de nature à troubler l'ordre public". Depuis cette date, le docteur Marzouki était en liberté surveillée jusqu'à ce que sa peine soit réduite en appel à un an avec sursis le 29 septembre 2001. D'après les informations reçues, la première condamnation résulterait de son implication avec le CNLT, dont il était le représentant, et la deuxième concernerait une contribution écrite du docteur Marzouki au Congrès des défenseurs arabes des droits de l'homme, qui s'est tenu à Rabat (Maroc) du 8 au 11 octobre 2000 et dans laquelle il aurait condamné la situation des droits de l'homme et des libertés publiques en Tunisie. Il a aussi été rapporté que, le 10 mars 2001, le docteur Marzouki aurait été interdit de sortir du territoire tunisien alors qu'il devait se rendre à Paris où il avait obtenu un statut de professeur associé dans une université. Invité à une réception de passation de mandat organisée par le CNLT le 1[er] mars 2001, le docteur Marzouki aurait été empêché d'accéder au lieu de cette réunion, qui aurait été bouclé par un important dispositif policier.

351. M. Hichem Gribaa, ancien Vice-Président de la LTDH, aurait été victime d'une attaque dans la nuit du 3 au 4 août 2001. Selon les informations reçues, des personnes non identifiées auraient pénétré par effraction dans le bureau de M. Gribaa et auraient détruit du matériel. Deux imprimantes, un fax, deux téléphones et une machine à écrire auraient aussi été volés et le

contenu des boîtes d'archives dispersé. Il a aussi été rapporté que depuis la fin du mois de mars 2001, M. Gribaa serait victime de filatures constantes de la part des services de police. Selon les informations reçues, cette attaque serait liée à l'engagement de M. Gribaa en faveur des droits de l'homme.

352. M^me^ Sihem Ben Sedrine, qui a été libérée le 11 août 2001 après six semaines de détention, continuerait, selon les informations reçues, de faire face à des accusations de "diffamation", "outrage à magistrat" et "atteinte à l'autorité de la justice". Libérée sur décision présidentielle, M^me^ Ben Sedrine ne serait pas repassée devant la justice et pourrait de ce fait, à tout moment, être amenée à comparaître de nouveau. De plus, M^me^ Ben Sedrine et un groupe de sympathisants qui se seraient réunis le 17 août 2001 pour célébrer sa sortie de prison auraient été attaqués par des policiers en civil. M^me^ Ben Sedrine aurait été battue à coups de pied dans les côtes. Son mari et sa fille de 13 ans auraient également été violemment battus ainsi que plusieurs de ses sympathisants.

353. M. Khémais Ksila, Secrétaire général de la LTDH, ferait l'objet d'une campagne de diffamation depuis le 30 août 2001, date à laquelle le Comité directeur de la LTDH aurait reçu par fax un tract anonyme au contenu diffamatoire envers M. Ksila, l'accusant de harcèlement sexuel sur M^lle^ Sonia Labidi, secrétaire à la LTDH. Le contenu de ce tract aurait ensuite été diffusé massivement par fax et repris par plusieurs quotidiens et hebdomadaires de la presse tunisienne. D'après les informations reçues, la police politique et le comité central du parti au pouvoir (RCD) auraient exercé des pressions sur M^lle^ Labidi et sur sa famille afin de la contraindre à porter plainte. M^lle^ Labidi aurait fini par déposer une plainte pour harcèlement sexuel à l'encontre de M. Ksila le 17 septembre 2001, plainte qui aurait elle aussi été diffusée massivement par fax. Selon les sources, cette campagne viserait à déstabiliser la LTDH en portant atteinte à sa crédibilité.

354. M. Sadri Khiari, membre du Comité de coordination du RAID et membre fondateur du CNLT, aurait été empêché de se rendre à Aix-en-Provence, en France, où il devait participer à un colloque le 24 septembre 2001. Il aurait été refoulé à l'aéroport de Tunis par un policier en civil qui lui aurait signifié qu'il lui était interdit de quitter le territoire tunisien en vertu d'une décision du juge d'instruction. Le 19 juin 2001, M. Khiari aurait également été empêché de se rendre à Paris, où il devait présenter sa thèse, au motif qu'il aurait été l'objet de poursuites judiciaires pour des affaires remontant à mars 1997 et mars 2000.

355. Jérôme Bellion-Jourdan et Philip Luther, deux délégués d'Amnesty International, auraient été appréhendés et maltraités par des membres en civil des forces de sécurité lors d'une visite officielle en Tunisie, au cours de laquelle ils devaient assister au procès du défenseur des droits de l'homme Moncef Marzouki. D'après les informations reçues, les deux délégués se seraient vu barrer la route par des agents de police le 29 septembre 2001 à une heure du matin alors qu'ils rentraient d'une réunion avec l'avocate Radhia Nasraoui. Selon les sources, leurs effets personnels, notamment un ordinateur, un téléphone portable, un numériseur (scanner), un dictaphone, deux caméras, une pellicule photographique et tous leurs documents, leur auraient été confisqués. Parmi ces documents se trouvaient des témoignages confidentiels de défenseurs des droits de l'homme, de victimes de violations, ainsi que de leur famille. Au moment de l'incident, les deux délégués se seraient dûment identifiés et auraient également produit une lettre émise par le Ministre des droits de l'homme, Slaheddine Maaoui, les invitant à le

rencontrer le 4 octobre 2001. Les deux délégués auraient finalement été relâchés et certains des objets confisqués leur auraient été remis par des policiers en civil et par un employé du Ministère des droits de l'homme. Selon les sources, les documents confidentiels n'auraient pas été remis.

356. Le 22 octobre 2001, la Représentante spéciale a envoyé un appel urgent concernant le docteur Sahib Amri, qui aurait été attaqué par quatre hommes le 16 octobre 2001. Selon les informations reçues, le docteur Amri aurait voulu déposer plainte au commissariat local en spécifiant que ses agresseurs étaient membres de la police politique, mais les gendarmes auraient refusé de mentionner cet élément et lui auraient proposé d'inscrire seulement "contre X". Le docteur Amir aurait refusé cette proposition et, à ce jour, aucune plainte n'aurait été officiellement déposée. Selon les informations reçues, cette agression serait due aux commentaires faits par le docteur Amir, lors des Jeux méditerranéens de septembre 2001, sur la mort du commandant Mansouri en 1987, ainsi que sa volonté affichée de créer un comité légal de lutte contre la torture.

Communications received

357. By letter dated 11 December 2000, the Government responded to the urgent appeal sent on 29 November 2000 (see E/CN.4/2001/94, para. 82) and the press statement issued by the Special Representative on 7 December 2000. The Government expressed its concern that the press statement was released before the competent Tunisian authorities had had time to reply to the urgent appeal. The Government informed the Special Representative that some members of the Tunisian League for Human Rights had brought an action in the Court of First Instance of Tunis for the annulment of the General Assembly of the League held from 27 to 29 October 2000. During a press conference on 1 December 2000, the plaintiffs asserted that there had been a number of breaches of the statutes and rules of procedure of the League, and that this undermined its principles, interfered with the activities of its bodies and violated the rights of several of its members. The plaintiffs have also submitted an application to the interim relief judge for the appointment of a judicial officer to protect the League's property and documents and to represent it at law until the court hands down a decision on the main case. The Government informed the Special Representative that, on 27 November 2000, the court decided that all the activities of the League's present executive board should be suspended pending the court's decision on the main case and appointed a judicial official pending that decision. The Government assured the Special Representative that the provisional measures as decided at law were executed in accordance with the rules of civil procedure in force, which require the supervision of a notary acting as bailiff. The Government stated that these legal proceedings were purely an internal matter concerning the League, involving only certain members who contested the conditions under which the last General Assembly took place, and were not at all intended to bring about its dissolution.

358. By letter dated 8 February 2001, the Government informed the Special Representative that on 18 November 2000 the doyen of the corps of investigating magistrates declared the investigation proceedings closed and ordered the committal of Mr. Marzouki, without custodial detention, for trial by the Court of First Instance of Tunis on charges of support of an illegal association and dissemination in bad faith of false information prejudicial to public order. The Government added that on 30 December 2000 the Court of First Instance of Tunis sentenced

Mr. Marzouki to eight months' imprisonment for support of an illegal association and four months for the dissemination in bad faith of false information prejudicial to public order. Since the Public Prosecutor's Office has lodged an appeal, the judgement given at first instance will not become executory until all avenues of appeal have been exhausted. The Government assured the Special Representative that throughout these legal proceedings Mr. Marzouki had enjoyed all the rights of defence in accordance with the legislation in force. It followed from the foregoing that the legal proceedings instituted against Mr. Marzouki had been based on acts designated as criminal under the Tunisian legislation in force. The Government added that his alleged activism in the field of human rights could not place him above the law. According to the Government, Mr. Marzouki, who was employed by the regional public health directorate in Susa, submitted an application for 13 days of annual leave beginning on 12 June 2000. However, that period coincided with the holding of examinations and the meetings of examination boards in the Faculty of Medicine at Susa. The administration had to inform Mr. Marzouki that he could not take the leave applied for. Mr. Marzouki, immediately submitted to the above-mentioned regional directorate a medical certificate prescribing "30 days' sick leave". The administration, in application of the provisions of article 41 of the general regulations applicable to public officials, ordered a second examination. The inspecting physician went to the home of Mr. Marzouki but was unable to perform his task, since the official concerned was never at home. The administration later learned that he had left the country. The administration consequently decided to refer him to the Disciplinary Board, which recommended "the dismissal of the person concerned without loss of pension rights". The Minister of Public Health accepted the recommendation and on 29 July 2000 issued an order dismissing Mr. Marzouki. The order of the Minister of Public Health, being an administrative decision, is subject to appeal before the administrative tribunal.

359. By letter dated 22 March 2001, the Government informed the Special Representative that Mr. Néjib Hosni drew up a contract dated 28 October 1989 for the sale of a property for his own profit, which he claimed had been agreed by Mr. Mohamed Moncef Rezgui. On 3 January 1996, the Appeal Court of Kef sentenced Mr. Néjib Hosni to four years' imprisonment for forgery, two years for possession of false documents and two years for use of false documents. The Court also banned him from practising as a lawyer for a period of five years. In December 1996, Mr. Hosni was granted conditional release for humanitarian reasons. The additional sentence banning him from practising as a lawyer remained in force, as required by law. The Government asserted that, despite his sentence, Mr. Hosni had in fact defended cases in court, thereby violating the Criminal Code, article 315, under which "anyone failing to abide by the rules or decisions adopted by the competent authority is liable to punishment". As a result, on 18 December 2000, the court sentenced Mr. Hosni to 15 days' imprisonment. Following this sentence, and in accordance with the Code of Criminal Procedure, article 359, the Minister for Internal Affairs, by a decision dated 3 January 2001, revoked the December 1996 decision on conditional release for Mr. Hosni. He will therefore have to serve the remainder of the sentence handed down on 3 January 1996. The Government stressed that the court banned Mr. Néjib Hosni temporarily from practising as a lawyer and stated that this was an additional sentence imposed in accordance with the law. The Bar Council's competence to decide whether one of its members should be disbarred or suspended is a disciplinary competence. The competence of a disciplinary body can never outweigh the competence of a

court, which is defined by law. The Government stated that during the entire course of the proceedings against him, Mr. Hosni had been treated in accordance with the law and with strict regard for the right to a defence. The allegations that he was beaten at the time of his arrest on 21 December 2000 were completely without foundation.

360. By letter dated 18 May 2001, the Government informed the Special Representative that Nejib Hosni had been released on 12 May 2001 with a presidential pardon.

361. By letter dated 16 July 2001, the Government informed the Special Representative that Ms. Ben Sedrine was arrested because, in a programme broadcast by a London-based satellite television channel, she had made personal accusations concerning a magistrate, an act which constitutes an offence under Tunisian law. The Government added that Ms. Ben Sedrine was the subject of a complaint by the magistrate in question, who availed himself of his rights in the matter, claiming he was the victim of defamation. Court proceedings were immediately initiated against Ms. Ben Sedrine, who was accused of defamation and malicious spreading of false information. On 26 June 2001, she appeared before the examining magistrate and requested a stay of proceedings in order to obtain legal assistance. The examining magistrate granted her request, deferred proceedings until 5 July 2001 and issued a warrant for her detention in accordance with the provisions of Tunisian law. According to the Government, under article 85 of the Code of Criminal Procedure, the judge may order preventive detention where there are serious presumptions and as a security measure to ensure that further offences are not committed. On 5 July 2001, Ms. Ben Sedrine appeared before the examining magistrate, assisted by 32 lawyers. After informing her of the counts with which she was charged, the examining magistrate requested her to respond to them, but the accused insisted that she would respond only in the presence of all the lawyers she had appointed. In view of the physical impossibility of accommodating all the defence lawyers she had appointed and the obstinate refusal of the accused to respond except in their presence, the examining magistrate entered the accused's position in the record of proceedings and ordered the extension of the detention warrant.

Suivi

362. Le 28 décembre 2000, la Représentante spéciale a répondu à la lettre du Gouvernement tunisien datée du 11 décembre 2000. La Représentante spéciale assure que s'agissant de la pratique en matière de publication de communiqués de presse dans le cadre des procédures spéciales des Nations Unies, si l'usage requiert que la publication de communiqués de presse soit précédée par l'envoi de communications au Gouvernement, il n'est pas exigé d'attendre une réponse du Gouvernement à cette communication avant d'émettre le communiqué. Après avoir analysé les informations contenues dans la communication du Gouvernement tunisien, la Représentante spéciale indique que, d'après les informations reçues, les procédures judiciaires intentées contre la LTDH ne constitueraient pas une affaire purement interne à la Ligue. Les allégations, selon lesquelles les procédures intentées contre la LTDH seraient à l'origine d'une manœuvre pour déstabiliser le travail de l'organisation, sont sérieuses. Considérant l'histoire personnelle des plaignants qui ont intenté le procès, il serait difficile de discréditer les allégations et de considérer ce cas comme une affaire interne à la LTDH. La Représentante spéciale ajoute qu'elle est préoccupée par les procédures utilisées à l'encontre de la LTDH. De telles procédures n'auraient jamais été utilisées auparavant pour régler des problèmes internes à une telle association. Par ailleurs, s'agissant de la situation des membres de la LTDH, il a été rapporté

que, du fait que la Ligue soit sous "administration judiciaire" et du fait de la "suspension de toutes les activités de l'actuel Comité directeur", le Président et les membres de ce comité risqueraient d'être arrêtés et poursuivis. Il a aussi été rapporté que les membres du Conseil national de la LTDH auraient été empêchés de se réunir à Bizerte le 3 décembre 2000 en raison d'un déploiement policier bloquant l'accès non seulement aux locaux de rencontres mais même aux rues où se trouvent ces locaux. La Représentante spéciale mentionne aussi sa préoccupation quant à l'arrestation de Nejib Hosni, avocat et membre du CNLT, le 21 décembre 2000 chez lui à El Kef, suite à sa condamnation à une peine de 15 jours de prison pour avoir repris ses activités en tant qu'avocat, malgré l'interdiction d'exercer sa profession émise en 1994 contre lui. De plus, la Représentante spéciale rappelle à l'attention du Gouvernement la situation de Moncef Marzouki, porte-parole du CNLT, qui devait comparaître le 30 décembre 2000, pour répondre à des accusations d'appartenance à une organisation non reconnue et la diffusion de fausses nouvelles de nature à troubler l'ordre public.

Observations

363. The Special Representative would like to thank the Government for its detailed replies. She welcomes the release on 12 May 2001 of Mr. Neijib Hosni following a presidential pardon. She remains concerned, however, about the situation of human rights defenders and the conditions under which they are exercising their activities in Tunisia. The Special Representative continues to receive allegations of violations targeting human rights defenders. These violations are believed to consist mainly of illegal searches, confiscation of property, anonymous and threatening telephone calls, surveillance by unidentified individuals, the cutting of phone lines, arbitrary detention, confiscation of passports, legal proceedings, physical violence, defamation in the media, and other acts which might constitute a pattern of intimidation against human rights defenders. According to the information received, a significant portion of those acts of harassment and intimidation have been marked by impunity as, even in the rare instances where incidents have been investigated by the judicial authorities, those responsible have not been brought to justice. Finally, the Special Representative sent a request on 19 October 2001 to the Government of Tunisia to visit the country and hopes for a positive reply.

TURKEY

Communications sent

364. On 2 February 2001, the Special Representative sent an urgent appeal concerning Ms. Nimet Tanrikulu, a member of *Insan Haklari Dernegi* (IHD), the Turkish Human Rights Association, reportedly held in detention at the Bakirkoy Women's and Children's Prison in Istanbul since 7 January 2001 and charged with breaching the Law on Demonstrations. According to the information received, she was arrested as she took part in a ceremony to lay a wreath in front of the Democratic Left Party headquarters in Istanbul to protest against the prison raids that allegedly took place on 19 December 2000. Furthermore, it was reported that the security police had raided the IHD headquarters in Ankara on 25 January 2001 and had confiscated documents and five computer hard disks containing the organization's information. The police raid on the IHD offices reportedly followed a decision by the 9th Criminal Court of Ankara on the grounds that the organization had received funding from the Greek Foreign

Ministry without previous authorization from the Turkish authorities. However, it has been alleged that the police raid was linked to the organization's high-profile campaign against the new prison system, in particular the forced transfer of prisoners to so-called F-type prisons, as well as its support for prisoners on hunger strike. It was further reported that six IHD branches were closed down in January 2001. An allegation concerning the raid on the IHD offices in Ankara was also sent by the Special Representative on 19 October 2001.

365. On 18 April 2001, the Special Representative, together with the Special Rapporteur on violence against women and the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal regarding threats reportedly received by Ms. Eren Keskin, a prominent lawyer who is a leading member of the Human Rights Association (IHD) and founder of the Legal Aid Project for women who have been raped or sexually abused in custody. It was reported that Ms. Eren Keskin has been receiving threatening telephone calls on her mobile phone, at her law office and at the offices of the IHD, including threats that she will be raped or killed. The harassment has allegedly taken place since Ms. Eren Keskin visited Silopi, in the south-eastern province of Sirnak, as a member of a delegation investigating the disappearance of two members of a Kurdish political party.

366. On 28 June 2001, the Special Representative, jointly with the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning the trial of 16 individuals, which was due to recommence on 29 June 2001, by the Ankara Military Court of the Office of the General Staff. According to the information received, these individuals, namely, Yavuz Önen - president of the Human Rights Foundation of Turkey (HRFD), Vahdettin Karabay - chairman of the Confederation of Progressive Trade Unions, Salim Uslu - chairman of Hak-Is, Siyami Erdem - former chairman of the Confederation of Public Labourers' Trade Unions, Hüsün Öndül - president of the Human Rights Association, Cengiz Bektas - chairman of the Writers' Trade Union, Atilla Maras - chairman of the Writers' Trade Union, Yilmaz Ensaroglu - president of Mazlum-Der, Zuhal Olcay, Lale Mansur, Sanar Yurdatapan, Ali Nesin, Erdal Öz, Ömer Madra, Etyen Mahçupyan and Sadik Tasdogan, who published a book entitled "Freedom of Thought 2000", were accused of "driving people away from wanting to conduct their military service" in violation of article 155 of the Turkish Penal Code (TPC). It has been reported that this case forms part of a larger set of judicial proceedings against these individuals because of the publication of the above-mentioned book. On 13 February 2001, they were acquitted by the Istanbul State Security Court of charges under the Anti-Terror Law. They also face proceedings in the Penal Court of First Instance for "insulting the religions" in violation of article 175 of the TPC and before the Uskudar Criminal Court for "insulting the quality of being a Turk, the Republic, Parliament, Government, Ministries, jurisdiction or the forces of the Government related to the military", in violation of article 159 of the TPC.

367. On 14 August 2001, the Special Representative, together with the Special Rapporteur on torture, sent an urgent appeal regarding harassment by the police against members of the Human Rights Association (IHD) in Beytusebap, Sirnak, and the arrest and detention of one of the IHD key witnesses, Rasim Asan. According to the information received, executives of the IHD, as well as representatives of the Turkish Union of Chambers of Architects and Engineers (TMMOB), the Human Rights Foundation of Turkey (HRFT), the Association for Human Rights

and Solidarity with Oppressed People (Mazlum-Der), the Confederation of Public Sector Unions (KESK) and the Diyarbakir Democracy Platform, were taking part in an investigative mission on 8 August 2001 in Beytusebap. The purpose of the mission was reportedly to investigate information relating to the torture of villagers, evictions in some villages and food embargos imposed on other villages. It was reported that, after the mission, its members were stopped at the entry checkpoint police station at Sirnak. The policemen allegedly collected cameras and notes owned by members of the mission and banned them from using their phones. The police reportedly confiscated 20 videotapes, 19 music tapes and some handwritten notes. After releasing the 14 members of the mission, the police allegedly kept 18-year-old Rasim Asan under detention. Rasim Asan had reportedly given a witness statement to the IHD mission - which was recorded on one of the tapes confiscated by the police - and had asked the mission to accompany him to his home in Mersin. It was reported that Rasim Asan was forced to sign a written statement saying that he had received money from Mr. Osman Baydemir, vice-president of IHD, in order to bring a testimony to the mission. After a short trial, Rasim Asan was allegedly transferred to prison on 9 August, on the basis of article 159 of the Turkish Penal Code, which provides for from one to six years' imprisonment for "insulting the Turkish Republic ... and the military and security of the State".

368. On 11 September 2001, the Special Representative sent an urgent appeal concerning the raid, on 7 September 2001, on the Diyarbakir offices of the Human Rights Foundation of Turkey (HRFT). HRFT has five centres which provide treatment and rehabilitation for people who have reportedly been tortured by the security forces in the south-east of the country. According to the information received, the police obtained from the Diyarbakir Public Prosecutor's Office a search warrant ordering the seizure of all documents in the offices that related to the treatment of torture victims, which has been reportedly described as an illegal activity. This information had been kept confidential as people known to have complained of being tortured by the security forces reportedly face intimidation, torture and disappearance to stop them pursuing their complaints. It was further reported that the police seized all the files and documents in the office, including confidential medical files and information on staff, other doctors supporting them and patients at the HRFT.

369. On 19 October 2001, the Special Representative transmitted an allegation regarding the following cases.

370. Ms. Günseli Kaya, a teacher and secretary of the HRFT office in Izmir, and Dr. Alp Ayan, a psychiatrist with the HRFT Rehabilitation of the Victims of Torture Centre, both members of the Human Rights Association of Turkey (HRA) and Mr. Berrin Esin Akan, medical secretary of HRFT were reportedly accused of violating the law on meetings and demonstrations. According to the information received, they were among the people arrested on 30 September 1999 in Izmir as they were on their way to the village of Helvaci to attend the funeral of Nevzat Ciftçi, one of the prisoners allegedly killed in the Ulucunlar massacre in Ankara Central Prison on 26 September 1999. On 3 October 1999, after a hearing before the Criminal Court of Izmir, they were reportedly charged, along with 12 other people, on the basis of article 32, paragraph 3 of the law on meetings and demonstrations ("coercion, violence, threat, assault or resistance" to a police decision forbidding a meeting) and of article 7, paragraph 2 of

the anti-terror law ("helping the members of a terrorist organization and disseminating propaganda on its behalf"). Ms. Günseli Kaya, Dr. Alp Ayan and Mr. Berrin Esin Akan were reportedly released on 20 January 2000 after four months in prison, but the case is still under trial.

371. Lütfi Demirkapi, president of the Human Rights Association (HRA) Ankara Branch Office, Ilhami Yaban, Ismail Boyraz, Erol Direkçi, Mesut Cetiner, Zeki Irmak, and Riza Resat Cetinbas, office members, Ali Riza Bektas, Saniye Simsek, Ekrem Erdin, Gökçe Otlu, Emrah Serhan Soysal and Selim Necati Ort, HRA Prisoners' Commission members, were reportedly charged under article 169 of the Penal Code, on 11 January 2001, by the Bureau of the Prosecutor of the Criminal Court with "aiding and abetting of members of illegal organizations". According to the information received, the charges mentioned that during a police raid on 23 December 2000, a detailed list of prisoners with information on their health was found on the HRA premises, along with press releases which included statements against the building of an F-type prison (with small, one- and three-person cells) and in support of the prisoners on hunger strike. It was also reported that the Prosecutor demanded the closure of the Ankara branch of HRA. It was further reported that the 12 HRA members charged were released and that Ali Riza Bektas and Selim Necati Ort were released from preventive detention on 22 May 2001. According to the information received, the court decided to combine an additional case against Selim Necati Ort with this trial, which is still ongoing.

372. According to the information received, the HRA headquarters in Ankara were reportedly searched by the police on 25 January 2001 and the association's computers and all its documents and floppy disks were confiscated. According to the information received, this search followed a decision of the 9th Penal Tribunal of Ankara which, on 22 January 2001, at the request of the Ankara Prosecutor, was seized of the matter of the receipt of financial support from abroad (Greece) by HRA without prior authorization from the authorities. It was also reported that the Ministry for Foreign Affairs of Turkey published information on its web site aimed at discrediting HRA, and questioning its impartial and objective character. According to the information received, on 19 March 2001, a court case started against the HRA at Ankara Judicial Court No. 24, with the demand, by the Prosecutor that the headquarters of the Association be closed, under article 37 of the Law on Associations. The indictment reportedly claimed that HRA had been active beyond the aims described in its statutes.

373. On 26 October 2001, the Special Representative sent an urgent appeal concerning Mr. Saban Dayanam, a member of the HRA national board and of the Istanbul branch board. According to the information received, on 19 October 2001, five unknown men tried to break into Mr. Dayanam's apartment in Istanbul. It was reported that these men introduced themselves as police officers and produced identity cards. This act was reportedly connected with the publication on the same day of a report by the IHD Istanbul branch on a hunger strike by political prisoners, which had been under way for a year. It was further reported that Mr. Dayanam had been followed during the previous days by people in plain clothes, different from the plain clothes police officers who reportedly kept the IHD Istanbul branch under surveillance.

374. On 19 November 2001, the Special Representative sent an urgent appeal regarding threats against members of the HRA in Istanbul. According to the information received,

on 15 November a man called Zeki Genç reportedly entered the IHD offices carrying a pistol, a large knife and a parcel that he claimed was a bomb. He threatened that he would kill everybody. Saban Dayanan and three other IHD members managed to wrestle him to the ground and disarm him.

Communications received

375. By letter dated 5 June 2001 the Government responded to the urgent appeal sent on 18 April 2001. The Government informed the Special Representative that in the context of police operations in Konya, Hüseyin Calik was taken into custody on 25 April 2000. He confessed that he had been planning to murder Eren Keskin and that he had gone to Istanbul in March 1999, possessing a pistol. He said that he had gone to the office of Eren Keskin, but could not achieve his goal owing to the crowd in the office. The Government stated that upon the completion of the investigation, Hüseyin Calik had been arrested and was in prison. The Government added that it was incorrect and misleading to refer to "a Kurdish political party" in Turkey because no political party could be established on ethnic grounds.

376. By letter dated 13 June 2001, the Government provided additional information. Eren Keskin had not requested the security forces to provide her with personal protection. She had asked for a police patrol in the neighbourhood of the Istanbul branch of HRA. The Government informed the Special Representative that upon receipt of this request, the necessary measures had been taken by the security forces.

377. By letter dated 4 July 2001, the Government responded to the urgent appeal sent on 2 February 2001. The Government informed the Special Representative that the relevant court had decided to release Nimet Tanrikulu on 6 February 2001 and she had been acquitted on 24 May 2001. The Government assured the Special Representative that none of the medical reports indicated any trace of ill-treatment or torture while she was in custody. The Government added that, upon the decision of the relevant court, the security forces searched the IHD premises in Ankara in January 2001 and found empty cartridges, a mortar shell head and illegal publications. A suit was therefore filed demanding that IHD be closed down. The Government informed the Special Representative that the case was pending.

378. By letter dated 29 August 2001, the Government responded to the urgent appeal sent on 28 June 2001. The Government informed the Special Representative that the accused persons were on trial on different charges in the Turkish General Staff Military Court, Istanbul State Security Court No. 5, Üsküdar Criminal Court No. 2 and Üsküdar Criminal Court of First Instance No. 2. The Government added that the Üsküdar Public Prosecutor's Office gave a decision of non-jurisdiction on 5 October 2000 in the case of the publishers of the book entitled "Düsünceye Özgürlük 2000" (Freedom of Thought 2000). The Üsküdar Public Prosecutor's Office therefore decided to forward the file to the General Staff Military Prosecutor's Office. The Government added that, according to article 11/A of the Code on the Establishment and Trial Procedure of Military Courts, military courts also have jurisdiction to try non-military persons for offences specified in article 58 of the Military Criminal Code. The Government informed the Special Representative that the accused persons were acquitted by the Istanbul State Security Court No. 5 on charges of aiding and abetting the terrorist organization PKK by

spreading its propaganda, spreading propaganda against the indivisible entity of the Turkish State with its territory and nation, as well as inciting people to hatred and enmity on the basis of race and region. The judgement was upheld for Sadik Tasdogan, while it was overruled for the other accused persons by the Court of Appeal on 11 June 2001. The case was therefore pending. The Government informed the Special Representative that the trial of the accused persons on charges of insulting the Turkish nation, the Republic and the Government through a publication was pending in Üsküdar Criminal Court No. 2. The trial of the accused persons on charges of insulting religions, judges, the Turkish flag and Atatürk through the press was pending in Üsküdar Criminal Court of First Instance No. 2.

379. By letter dated 19 September 2001, the Government responded to the urgent appeal sent on 14 August 2001. The Government informed the Special Representative that Rasim Asan had been arrested upon a decision of Sirnak Criminal Court of Peace on 9 August 2001 on the grounds of violating the Turkish Criminal Code by insulting the military. The Government assured the Special Respresentative that none of the medical reports indicated any trace of torture or ill-treatment. The Government added that the confiscated cameras had been returned to their owners and the tapes handed over to the security forces as part of the investigation.

380. By letter sent on 2 January 2002, the Government responded to the urgent appeal sent on 14 August 2001 regarding Rasim Asan. The Government informed the Special Representative that a lawsuit has been filed against Rasim Asan and Osman Baydemir under the Turkish Penal Code on the grounds of insulting the armed forces. Rasim Asan was released following the first hearing, held on 19 September 2001, and Osman Baydemir was not taken into custody. The case is pending.

381. By letter dated 2 January 2002, the Government responded to the urgent appeal sent on 11 September 2001 concerning the raid on the HRFT offices in Diyarbakir. The Government informed the Special Representative that, upon the decision of the competent court, the security forces searched the premises of the Diyarbakir branch of HRFT on 7 September 2001. Afterwards, an investigation had been initiated regarding the HRFT on the grounds of its carrying out activities which went beyond the purposes prescribed by its founding charter and aiding the terrorist organization PKK by its involvement in treating PKK members. The Government added that, following the investigation, a decision of partial non-prosecution was given regarding the accused persons on 25 October 2001, and a decision of non-jurisdiction was given regarding Sezgin Tanrikulu and his file was therefore transferred to the Diyarbakir Public Prosecutor's Office.

382. By letter dated 2 January 2002 the Government responded to the allegation transmitted on 19 October 2001. The Government informed the Special Representative that Ms. Günseli Kaya and Dr. Alp Ayan had both attended a demonstration held without permission for the funeral of Nevzat Ciftçi on 30 September 1999. When the security forces advised the group to disperse, the group attacked with stones and cudgels. Some members of the group, including Ms. Kaya and Dr. Ayan, were detained on the ground of violating the law on meetings and demonstrations. They were released on 20 January 2000 pending trial. The Government

added that upon the decision of the relevant court, the security forces searched the HRA premises in Ankara on 22 December 2000. Ali Riza Bektas and Selim Necati Ort were arrested. A suit was filed demanding the punishment of 12 persons, including Lütfi Demirkapi, on the grounds of aiding and abetting terrorist organizations, and demanding the closure of the Ankara HRA. The Government added that Emrah Serhan Soysal had been taken into custody on 26 May 2001 and arrested on 30 May 2001. His file is pending, as is the IHD file.

383. By letter dated 8 January 2002, the Government responded to the urgent appeal sent on 19 November 2001 regarding Zeki Genç. The Government informed the Special Representative that investigations had been initiated. Zeki Genç was taken into custody on 15 November 2001 and arrested on 19 November 2001. The Government added that a lawsuit had been filed against him and his two fellows on the grounds of carrying out armed acts, restricting personal freedom, threat by weapon and violating law No. 6136.

Observations

384. The Special Representative thanks the Government of Turkey for its detailed replies. The Special Representative was pleased to learn that the Diyarbakir Directorate for Security returned on 10 October 2001 all 365 patient files which had been seized by Turkish police forces from the Diyarbakir Rehabilitation Centre. She also welcomes the release on 19 September 2001 of Rasim Asan. However, the Special Representative remains concerned about the human rights defenders against whom criminal trials are still pending.

UGANDA

Communication sent

385. On 2 November 2001, the Special Representative transmitted an allegation regarding an NGO registration amendment bill under consideration by the Ugandan Parliament. The Special Representative expressed her concern over information alleging that such a bill allows the suspension of NGO activities when their statutes are deemed in "contravention of any government policy or plan or public interest". The draft bill does not contain any provision regarding the identity of the entity making this determination. It was also alleged that it stipulates individual liability for acts committed in the service of the organization, including possible imprisonment for up to one year for operating beyond the expiration or revocation of a licence. This draft bill also "expands the Minister's power to make regulations to include prescribing the manner in which organizations shall be wound up when they cease to operate and also prescribing the duration and form of a permit issued to an NGO when it is registered".

Observations

386. No reply has been received so far.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Communications sent

387. On 11 December 2000, the Special Representative sent an urgent appeal regarding the situation of the Pat Finucane Centre, a human rights organization based in Derry, Northern Ireland. According to the information received, on 1 December 2000, the Centre allegedly received a Christmas card from the 1st Battalion, Scots Guards, Nanyuki, Kenya, in an official United Nations Protection Force envelope. This card reportedly created an atmosphere of apprehension amongst the members of the Centre. It was reported that the Centre has been actively protesting a decision of the Army Board, which allowed two members of this battalion to continue their careers in the armed services. These two members were convicted on 10 February 1995 of murdering Mr. Peter McBride (an unarmed civilian) in Belfast on 4 September 1992. It was reported that this Christmas card may be a threat to members of the Centre, particularly since it was received on the same morning that they organized a day of action protesting the Army Board's decision to re-employ the two convicted soldiers. Fears have been expressed that members of the Pat Finucane Centre may be at risk of attack and/or reprisals for their protests against the members of the 1st Battalion, Scots Guards.

388. On 16 July 2001, the Special Representative sent an urgent appeal regarding the case of an NGO representative based in Belfast whose name has appeared on a list called "Know The Provo". According to the information received, the fact that he appears on the list constitutes a threat to him as well as to other members of the NGO concerned. The NGO representative had heard nothing of his own inclusion in the list until he was informed by someone in the United States. The web site on which the list appeared now advertises that if $20 is sent to the Loyalist Volunteer Prisoner Welfare (LVPW), to an address in the United States, a hard copy of the list will be posted out. It has been reported that the list was previously available on the Ulster Loyalist Information Services Network (ULISNET) web site but has been removed. It allegedly targets many known republicans but also human rights activists, lawyers, journalists, politicians, community activists and others. It was further reported that the list, which names about 970 individuals, makes many false accusations of involvement in or sympathy for republicanism.

Communications received

389. In a letter dated 2 May 2001, the Government of the United Kingdom replied to the urgent appeal sent on 11 December 2000 and reported that officials had investigated the circumstances surrounding this incident. According to the Government, the Commanding Officer of the Scots Guards affirmed that no official card was sent. The origin of the card remains unknown. The Government added that the Police Division of the Northern Ireland Office, which operates the Key Person's Protection Scheme (KPPS) in Northern Ireland, had stated that it had had no approaches from members of the Pat Finucane Centre expressing concern regarding their safety.

390. In reply to the communication dated 16 July 2001, the Government of the United Kingdom provided, on 7 August 2001, information on the "Know the Provo" list. The Government reported that the Royal Ulster Constabulary (RUC) had a dedicated computer crime unit, which had been working with the service provider to have the sites removed from their server. The Government further indicated that the Director of Public Prosecutions for Northern Ireland had concluded that no criminal offences in respect of the ULISNET list had been committed within Northern Ireland. However, the Government stated that the RUC had also been in contact with the United States authorities and had taken steps to inform those named on the list and to offer them advice on personal security. Regarding the case of the Belfast based NGO representative, the police informed him on 20 July 2001 that his name was found on a computer owned by a person believed to have an association with a Loyalist paramilitary organization, and offered him the opportunity to seek advice about his personal security.

Observations

391. The Special Representative would like to thank the Government for its replies. However, she remains concerned about the threats directed against human rights defenders in Northern Ireland and would urge the Government to investigate them thoroughly and without delay. In this regard, a prompt and independent judicial investigation into the murders of lawyer Patrick Finucane in 1989 and solicitor Rosemary Nelson in 1999 are essential in order to restore a secure environment for human rights defenders in Northern Ireland.

UZBEKISTAN

Communications sent

392. On 22 February 2001, the Special Representative sent an urgent appeal concerning the arrest on 19 February 2001 of Elena Urlayeva, a member of the Human Rights Society of Uzbekistan (HRSU). Information received indicated that she was taken by four militia workers to the Yunusabad District Department of Internal Affairs, where several documents she was carrying were confiscated and recorded as anti-constitutional. These documents apparently included the International Covenant on Civil and Political Rights, documents from various non-governmental organizations, correspondence addressed to President Karimov and the Ombudsman of Uzbekistan, Uzbekistan legislation and individual complaints to the United Nations. The militia workers reportedly demanded that she sign a statement admitting the material was anti-constitutional. She was allegedly detained for seven hours, during which time she was threatened and given no water nor her medication for a heart condition, then taken to the office of Colonel Djurabayev, who told her she was not guilty and would be freed. However, the information indicated that neither her documents nor her passport were returned to her. Furthermore, urgent attention was drawn to the case of Tulkan Karaev, also a member of the HRSU, who was detained by the militia at Tashkent airport on 15 February 2001 as he returned from a human rights course in Ekaterinburg. He was reportedly carrying human rights literature and other documents from various non-governmental organizations. According to the source, the militia declared the literature unconstitutional and called an official from the

Department for the Prevention of Religious Extremism and Terrorism. Tulkan Karaev was reportedly informed that he would be imprisoned for carrying this literature and asked to write an explanatory paper. The information indicates that later that evening he was released and his passport and other documents were returned to him.

393. On 15 March 2001, the Special Representative sent, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, another urgent appeal regarding Elena Urlayeva. It was reported that in the night of 8 March 2001, her house was doused with petrol and set on fire while she and her family were asleep inside. According to the source, the arson could be connected to an incident that occurred on 19 February 2001 when Ms. Urlayeva was reportedly arrested by four militia workers.

394. On 22 June 2001, the Special Representative, together with the Special Rapporteur on torture, sent an urgent appeal concerning Shovruk Ruzimuradov, the head of HRSU. He was reportedly arrested on 15 June 2001 by members of the Kashkadaryn District Department of the Interior (DDI). Later the same day, a group of members of the DDI, including 31 armed policemen, are said to have raided and searched his house and to have confiscated several items, including a HRSU computer and several documents. It is believed that they did not have any search warrant. It was also alleged that Shovruk Ruzimuradov's mother, T. Burieva, his wife, R. Ruzimuradova, his sister, O. Burieva, and his daughter were present in the house during the search and were severely beaten. Since his arrest, Shovruk Ruzimuradov has reportedly been held incommunicado in a secret place.

395. On 5 September 2001, the Special Representative sent, jointly with the Special Rapporteur on freedom of opinion and expression, an urgent appeal regarding Ruslan Sharipov, president of the Union of Independent Journalists of Uzbekistan. According to the information received, on 31 August 2001 Mr. Sharipov was detained by officials from the Kibrayskiy Department of Internal Affairs, who confiscated his passport and journalist's card. It was reported that the internal affairs officials interrogated Mr. Sharipov and accused him of being involved in terrorist activities. It was also reported that members of Mr. Sharipov's family were also intimidated by the same internal affairs officials. It was alleged that such harassment is linked to Mr. Sharipov's human rights activities in particular his publication of articles entitled "Shadow of independence" relating inter alia to persecution of Muslims, torture in Uzbekistan prisons, corruption and intimidation of journalists.

396. On 1 October 2001, the Special Representative transmitted, jointly with the Special Rapporteur on torture, an allegation regarding the following cases.

397. Elena Urlayeva, a member of HRSU, on behalf of whom the Special Representative sent two urgent appeals, on 22 February 2001, and 15 March 2001, was reportedly arrested on 6 April 2001 and taken to Mirzo Ulugbek district police headquarters in Tashkent, where she is believed to have been interrogated and beaten. It was reported that she was later transferred to the Municipal Clinical Psychiatric Hospital No. 1, where on 7 April 2001 a medical commission, in which the deputy district police chief is believed to have taken part, reportedly ordered that

she had to undergo "compulsory treatment". According to the information received, Elena Urlayeva was perfectly healthy and had never been treated for mental illness. It is thought that she was targeted for her human rights activities. On 4 June 2001, the Mirabadski court reportedly held a hearing to decide whether the forced treatment and detention of Urlayeva, who was not present, needed to be extended. The second day of the hearing, which took place in the Municipal Clinical Psychiatric Hospital, included Elena Urlayeva. The latter reportedly stated that hospital employees strapped her to a bed and forced her to receive injections and to take tablets. According to the information received, shortly after the hearing Ms. Urlayeva was transferred to the Republican Psychiatric Hospital No. 2, which she was reported to have left voluntarily on 20 June 2001. It was also reported that, on 12 July 2001, a hearing on the legality of her detention took place in the Tashkent City Court, which was alleged to have ruled that her detention was legal.

398. Vassily Evtigneev, the brother of the above-named human rights activist, Elena Urlayeva, was reportedly sentenced to six years' imprisonment by the Mirza Ulugbek District Court in Tashkent in April 2000, on allegedly fabricated charges, probably in retaliation for his sister's human rights work. According to the information received, he was kept in the "red zone" in Karshi town, and was transferred in October 2000 to a medical penitentiary facility in Tashkent in a serious condition. It was alleged that, on 6 November 2000, the manager of the medical facility did not allow his relatives to visit him.

399. On 1 October 2001, the Special Representative transmitted jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture, an allegation of the assassination of Shovruk Ruzimuradov, the head of the HRSU Kashkadaryn regional department, on behalf of whom the Special Representative had sent a joint urgent appeal on 22 June 2001. Mr. Ruzimuradov was reportedly arrested on 15 June 2001 and held incommunicado for at least three weeks. His body was delivered to his family on 7 July 2001. The reasons of his death in custody are not known.

400. On 2 November 2001, the Special Representative, together with the Special Rapporteur on torture and the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal concerning Mr. Yusuf Juma, a poet, journalist and active member of The Popular Movement Birlik on Uzbekistan. Mr. Juma was reportedly arrested on 23 October 2001 by the Security Service of Uzbekistan (SSU) in Bukhara district. The SSU agents allegedly searched Mr. Juma's house and confiscated many poems written by him and his daughter. According to the information received, those poems criticized government policies and referred to police violence, impunity and corruption. Mr. Juma was allegedly accused of anti-government activities and charged under article 159 of the Criminal Code for having published some of these poems on a web site.

Observations

401. The Special Representative regrets that at the time of the finalization of this report the Government had not sent any reply to her communications. The Special Representative recalls that she has indicated her interest in visiting Uzbekistan and hopes that the Government will give positive consideration to this request.

VENEZUELA

402. An official invitation to visit Venezuela was extended to the Special Representative by the Government on 8 August 2001, following a request sent by the Special Representative on 27 April 2001. The Special Representative hopes to undertake this visit in the near future.

VIET NAM

Communication sent

403. On 26 September 2001, the Special Representative transmitted an allegation to the Government of Viet Nam. The Special Representative expressed her concern that human rights defenders are perceived with unveiled hostility by the authorities. Under vaguely defined "national security" provisions embodied in the Criminal Code and other domestic legislation, human rights defenders are said to be at risk of being imprisoned or placed in "administrative detention" without trial, allegedly for their peaceful activities. The Special Representative was also concerned that there are no independent indigenous human rights NGOs in Viet Nam and that all "social organizations" (i.e., organizations which are not direct branches of the Vietnamese Communist Party (VCP)) must belong to the "Fatherland Front", an umbrella organization composed of non-Party elements, but said to be under Communist Party control.

404. The communication concerned the following cases.

405. Professor Nguyen Dinh Huy, a journalist and press editor, founder and president of the Movement to Unite People and Build Democracy, is said to be currently detained in Z30A prison camp, Xuan Loc, Dong Nai province, where he had been since May 1996. According to the information received, Mr. Nguyen Dinh Huy was arrested on 17 November 1993 for trying to organize an international conference on democracy, human rights, economic development and peaceful political change in Ho Chi Minh City. In April 1995, he was reported to have been sentenced to 15 years' imprisonment and hard labour, allegedly for "acting to overthrow the people's Government".

406. Professor Nguyen Thanh Giang, a writer and outspoken intellectual, was reportedly arrested and imprisoned for two months on 4 March 1999, for having reportedly written documents which showed "close collusion with reactionary forces abroad to disrupt the social order". His writings have allegedly focused on political pluralism, labour rights and the problems of State-owned enterprises. According to the information received, he was released after he went on hunger strike in June 1999 and he has been victim of harassment since then. It was alleged that on 20 October 1999 he was subjected to police harassment and his computer was confiscated after two days of interrogation and he was forced to quit his research job at a government science institute. According to the information received, Mr. Giang remained under surveillance throughout the year 2000.

407. Mr. Nguyen Dan Que, founder of the Non-violent Movement for Human Rights in Viet Nam, was reportedly under house arrest at Ho Chi Minh City. According to the information received, he was arrested in 1990 for "trying to overthrow the regime" and sentenced to 20 years' imprisonment. He reportedly issued an appeal calling for a free and democratic Viet Nam through free and fair elections. Mr. Que was reportedly released and placed under house arrest in 1998. It was also alleged that, in 1998, his telephone was cut, his mail censured and his family harassed by the police. According to the information received, on 12 April 2000, the Vietnamese authorities arrested Ms. Sylvaine Pasquier, a reporter with the French magazine *L'Express*, while she was trying to meet Mr. Que for an interview at his house. She was reportedly expelled from Viet Nam after 24 hours of detention and interrogation at a police station in Ho Chi Minh City. It was also reported that, on 15 January 2001, Mr. Que and his wife were summoned to a "popular denunciation session" staged by the public security in the 5th district of Ho Chi Minh City. They were accused of treason because Dr. Que is said to have proclaimed the foundation of his new organization, named "Get-together for Democracy", in November 2000.

408. Mr. Nguyen Van Ly Thadeus, a Roman Catholic priest, was reportedly detained in Thua Phu prison. He was allegedly arrested on 17 May 2001 for his peaceful advocacy of religious freedom. According to the information received, Mr. Nguyen Van Ly Thadeus was placed under administrative detention for two years for having sent, on 13 February 2001, a written testimony to a United States congressional hearing on violations of religious freedom in Viet Nam. The Thua Thien-Hue Provincial People's Committee had reportedly forbidden him to exercise his religious functions during his two-year administrative detention period and he was said to have later been arrested for violating this order. It was also reported that the State-controlled press has begun a vilification campaign against him, accusing him of treason.

409. Mr. Thich Tue Sy, secretary general of the Unified Buddhist Church of Viet Nam, a writer and honorary member of PEN International and PEN Canada, was reportedly under house arrest in the Quang Huong Gia Lam pagoda in Ho Chi Minh City for his peaceful advocacy of freedom of belief and opinion. According to the information received, Mr. Thich Tue Sy was released in September 1998 after 17 years of imprisonment and hard labour. After his release, he was allegedly subjected to police surveillance, interrogations and threats. On 14 September 1999, he was interrogated at the local police station and his computer hard disk was confiscated for his alleged attempt to overthrow the Government. It was also alleged that, in May 2001, he was harassed and interrogated by the police, who were reported to have initiated a repression campaign against the Vietnamese Unified Buddhist Church. On 25 May 2001, he was threatened at his pagoda by the police for his refusal to go to the police station in order to be interrogated. It was also alleged that, on 3 June 2001, Mr. Thich Tue Sy wrote a letter to the "Tribunal Populaire Suprême", protesting against the harassment he has allegedly been subjected to.

410. Patriarch Thich Huyen Quang, patriarch of the Unified Buddhist Church of Viet Nam, has reportedly been under house arrest without charges since 1982. Security police are said to be permanently stationed on the only road leading to his hut and are thus able to monitor and control all his visits. Mr. Thich Huyen Quang was allegedly never officially sentenced and was

arrested allegedly for his peaceful advocacy of religious freedom, human rights and democracy. In November 1993, he reportedly issued a landmark "Declaration" calling for democratic reform, such as the legalization of opposition parties, free elections and a multiparty system. According to the information received, Thich Huyen Quang was formally "released" by order of the Quang Ngai Security Police on 27 October 1997, even though he remains under house arrest.

411. Venerable Thich Quang Do, a writer, scholar, head of the Institute for the Propagation of the Dharma and the second-highest dignitary of the Unified Buddhist Church of Viet Nam, was reportedly detained incommunicado in Thanh Minh Zen monastery. It was alleged that on 1 June 2001 the Ho Chi Minh People's Committee placed him under administrative detention for two years, which was a "reactivation" of a five-year probationary detention sentence for which Thich Quang Do was amnestied in 1998. This "reactivation" was said to have been the consequence of a letter sent by Mr. Thich Quang Do to the authorities, asking for the release of Mr. Thich Huyen Quang, and to be aimed at preventing Mr. Thich Quang Do from travelling to the central province of Quang Ngai on 7 June 2001 to escort Patriarch Thich Huyen Quang to Saigon for medical treatment. It was reported that Security Police officers guard the room of Thich Quang Do, control his meals and forbid any visits or phone calls. It was also reported that the State-controlled press has begun a vilification campaign against Thich Quang Do, accusing him of "corruption", and that the police have circulated a series of "anonymous letters" in Saigon slandering the monk.

Communications received

412. On 2 November 2001, the Government of Viet Nam replied that the allegations regarding the individual cases mentioned were inaccurate and falsified and that the true information on those cases had been provided to the other thematic mechanisms of the Commission on Human Rights. The Government affirmed that all the individuals mentioned were criminal offenders who had been found in violation of the law and duly prosecuted for their acts. The Government said that there were hundreds of Vietnamese NGOs and professional associations working in all spheres of life, contributing actively to the renewal process of the country and to the promotion and protection of the social, cultural, economic and political rights of every citizen. The Government assured the Special Representative that these NGOs need not and in fact did not all belong to the "Fatherland Front".

Observations

413. The Special Representative thanks the Government for its reply. She nevertheless remains concerned about the situation of human rights defenders in Viet Nam. She will continue to watch the situation and seek the cooperation of the Government for the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

ZIMBABWE

Communication sent

414. On 19 November 2001, the Special Representative, together with the Special Rapporteur on freedom of opinion and expression, sent an urgent appeal regarding the cases of Mr. David Coltart, a prominent and well-respected human rights lawyer and Member of Parliament, Mr. Morgan Tsvangirai, leader of the main opposition party Movement for Democratic Change (MDC), and other members of the political opposition in Zimbabwe. It was reported that on 15 November 2001, Mr. Coltart was detained by the police in Harare and then released after two hours. Mr. Coltart has campaigned for many years to improve access to legal services and to uphold the basic rights of everyone in Zimbabwe. In addition, Vice-President Mr. Joseph Msika and other government officials reportedly appeared to be inciting violent action against members of the MDC. In November 2001, the ruling Zanu PF party allegedly accused MDC members of being responsible for the abduction and murder of Mr. Cain Nkala, chairman of the Bulawayo war veterans' association, an armed militia closely associated with the Zanu PF party. Members of the political opposition and human rights activists are reportedly the targets of threats, detention and physical attack as part of a crackdown on the political opposition in Zimbabwe prior to the elections scheduled for March 2002.

Observations

415. No reply from the Government has been received so far.

Appendix

Submission of allegations to the Special Representative of the Secretary-General on human rights defenders

Overview

At its fifty-sixth session, the Commission on Human Rights requested the Secretary-General to appoint a special representative on human rights defenders (resolution 2000/61 of 26 April 2000). Ms. Hina Jilani (Pakistan) was appointed in August 2000. Her work on the mandate, which began in September 2000, is based largely on the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144 of 9 December 1998).

The Declaration recognizes that the definition of a human rights defender must be broadly understood as encompassing also those striving for the promotion, protection and realization of social, economic and cultural rights, as well as civil and political rights. As the Special Representative stated in her first annual report (E/CN.4/2001/94), she believes that the ambit of her mandate is broad enough to include, for example, those defending the right to a healthy environment, promoting the rights of indigenous peoples, or engaging in trade union activities. The mandate of the Special Representative of the Secretary-General on human rights defenders, as set out in Commission on Human Rights resolution 2000/61, is:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend strategies better to protect human rights defenders.

Any individual, group, non-governmental organization, intergovernmental agency or government organization with reliable knowledge of human rights violations against human rights defenders is encouraged to bring the relevant information to the attention of the Special Representative in writing. The Special Representative will transmit information she considers credible and reliable to the Government concerned and request that it respond with its comments and observations.

Because of the wide range of groups and individuals that send allegations to the Special Representative, those submitting complaints are encouraged to provide information regarding their own human rights work.

While there is no formal procedure for the submission of allegations, certain details must be provided to enable the Special Representative to bring the appropriate cases to the attention of the Governments concerned as soon as possible. The information required includes the identity of the alleged victim, the alleged violation, the perpetrator(s), and the steps, if any, taken by the authorities. Complaints must be made in writing and sent to:

The Special Representative of the Secretary-General on human rights defenders
Office of the High Commissioner for Human Rights
United Nations
1211 Geneva 10, Switzerland
FAX: (41 22) 917 90 06

Guideline for submissions

The following outline should be followed, to the extent possible, by those wishing to submit allegations of violations against human rights defenders.[a]

1. Information regarding the alleged victim

- Full name[b]
- Age
- Sex
- Profession or occupation
- Place of residence (or origin, if relevant to the violation suffered)
- The victim's affiliation, if any, with an organization, association or group engaged in human rights work
- Name of the organization, association or group
- Name of the person heading the organization, association or group
- Nature of human rights work the individual performs

If the alleged violation is against an organization:

- Name of the organization
- Nature of the human rights work/activities it is engaged in
- Territorial scope of its work (national, regional, international)

- Affiliations with other human rights organizations, if any

- Name of person(s) heading the organization

Additional information on the history of the work the individual or organization has performed, if submitted, may be helpful in assessing the complaint/allegation.

2. Nature of the alleged violation

All relevant information regarding the violation allegedly committed against the human rights defender, or organization, association or group, including:

- Date

- Place

- Description of the events/incident

- Nature of violation suffered or threatened

The information must indicate the connection of the alleged violation to human rights activities performed.

If the violation involves or includes the arrest and/or imprisonment of an individual or group of human rights defenders, information is required on:

- Identity of the authority involved (individual and/or ministry and/or department)

- Date and place of arrest

- Any circumstances under which the arrest was made that are relevant to the violation

- Nature of charges, if any, and the legal statute invoked

- Potential penalties the individual or group faces

- Place of detention, if known

- Term of detention

- Information on the provision of access to legal counsel and family members

- Steps taken to seek administrative or judicial remedy, nature of the remedy sought, legal entity before which proceedings have been taken, and stage or result of such proceedings

If the defender is being prosecuted in the courts for any activity in defence of human rights or related activity, or as a consequence of such activity:

- The date and location of the trial
- The court hearing the case
- The relevant appeal procedures
- The penalties the group or individual faces

3. Perpetrator(s) of the alleged violation

- Name(s), if known
- If they are members of the security forces, their rank, functions, the unit or service, etc., to which they belong
- If they are members of a civil defence group, paramilitary or other forces or an armed group, details on whether or how these groups relate to the State (e.g. cooperation with the State security forces, including information on chains of command, if available, State collusion with or acquiescence in their operations)

4. Steps taken by or on behalf of the victim or organization to seek a remedy at the national level

- All relevant information regarding whether a complaint was filed
- If so, when, where, by whom and before which authority

5. Steps taken by the concerned authorities

- Whether or not an investigation or inquiry into the alleged violation has been initiated and/or concluded
- If so, by which authority, ministry or department of the Government
- Progress and status of the inquiry or investigation at the time of submission of the allegation
- Whether or not the investigation or inquiry has resulted in charges or other legal action
- If so, the reason why the result is unsatisfactory
- Measures, if any, taken to protect person(s) under threat

6. **The violation alleged may not be the result of one incident or event, but may be a continuing violation owing to conditions, policies, practices or laws that obstruct the promotion, protection and/or realization of human rights**

In such cases submissions must include:

- All relevant information regarding such conditions, policies, practices or laws
- The nature of the prejudice suffered by an individual or group(s) working for the defence of human rights because of the above
- Methods used to impede the work of human rights defenders on the basis of the above conditions, policies, practices or laws
- Agencies (State, non-State) employed to harass, intimidate and/or injure human rights defenders on the basis of these conditions or in implementing such laws, practices and policies
- Possible measures that can be taken to remedy the situation
- Any action taken by individuals or groups at the national level to reverse the conditions, policies and practices or for reform of the laws that are contrary to the rights recognized by the Declaration

Notes

[a] This guideline is not final. Comments and suggestions are welcome.

[b] **Please note in the submission if the name of the alleged victim SHOULD NOT be transmitted to the Government. Names of alleged victims will remain confidential IF REQUESTED.**